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Brigham Young

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# HISTORY

—OF—

# SALT LAKE CITY

BY AUTHORITY OF THE CITY COUNCIL AND UNDER THE SUPERVISION OF A COMMITTEE APPOINTED BY THE COUNCIL AND AUTHOR.

REVISING COMMITTEE:

JOHN R. WINDER, *Chairman*, R. T. BURTON, GEORGE A. MEARS.
S. J. JONASSON. GEORGE REYNOLDS, *Secretary*.

EDWARD W. Wheelock TULLIDGE,
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# THE HISTORY OF SALT LAKE CITY.

## AND ITS FOUNDERS.

BY EDWARD W. TULLIDGE.

### CHAPTER I.

PREFATORY REVIEW OF THE PEOPLE WHO FOUNDED SALT LAKE CITY. GRAND COLONIZING DESIGN OF THE MORMON PROPHET.

It will be well affirmed in history that the Pioneers who founded Salt Lake City, were as the crest of that tidal wave of colonization which peopled these Pacific States and Territories. And the colonies which this wonderful state-founding community has sent to the West, since that tidal wave rose in the exodus from Nauvoo, will stand as the most marked example of organic colonization which has occurred in the growth and spread of the American nation. Other States and cities, which have been founded since the first colonization of America by the Pilgrims of New England, have grown up and increased in their population upon the ordinary laws of national growth, to which has been superadded the promiscuous emigration of Europeans to this country; but not even in the extraordinary case of the growth of the Western States and Territories, excepting that shown by the Mormon people, has there been a spectacle of colonization proper, to mark the history of America in the present century. Thus considered, it is a most unique fact of the age that Salt Lake City was founded by a colony of the strictest type. In most of its leading features, the founding and growth of Utah resembles the founding of the American nation by the Pilgrim colonies, which sailed from England and Holland to establish religious liberty on a virgin continent, driven by the cruel force of persecution, yet whose every exile from the dear mother land became big with the genius of colonization, until the little companies of emigrants who left their native shores, very much in the character of religious outlaws, grew into a galaxy of States. Persecution undoubtedly at the onset drove the Mormons hitherward, as it drove the Puritans to this continent—drove them in fact into the very path of their destiny—but as they came westward from Ohio, where their Zion first rose, they so fast imbibed the genius of colonization, that extermination brought forth in the mind of the Mormon Prophet the grand scheme to colonize the Pacific Slope with his people, and with them form in the West the nucleus of a new galaxy of American States.

The first recorded note of the grand design of the Mormon Prophet to colonize the Pacific Slope with his people, will be seen in the following entry from his diary:

"Saturday, 6th [August, 1842]. Passed over the river to Montrose, Iowa, in company with General Adams, Colonel Brewer, and others, and witnessed the installation of the officers of the Rising Sun Lodge of Ancient York Masons, at Montrose, by Gen. James Adams, Deputy Grand Master of Illinois. While the Deputy Grand Master was engaged in giving the requisite instructions to the Master elect, I had a conversation with a number of brethren, in the shade of the building, on the subject of our persecutions in Missouri, and the constant annoyance which has followed us since we were driven from that State. I prophesied that the Saints would continue to suffer much affliction, and would be driven to the Rocky Mountains. Many would apostatize, others would be put to death by our persecutors, or lose their lives in consequence of exposure or disease, and some would live to go and assist in making settlements and building cities, and see the Saints become a mighty people in the midst of the Rocky Mountains."

A year and a half later his design was matured, and his people ready to execute it. Here is a diary note of that date:

"Tuesday, Feb. 20th [1844]. I instructed the Twelve Apostles to send out a delegation and investigate the locations of California and Oregon, and hunt out a good location where we can remove to after the Temple is completed, and where we can build a city in a day, and have a government of our own." * *

On the evening of the following day the Twelve met at the Mayor's office, and, according to the above instructions, appointed the following committee: Jonathan Dunham, Phineas H. Young, David D. Yearsley, David Fullmer, Alphonso Young, James Emmett, George D. Watt, Daniel Spencer. Subsequent action was also taken on the same subject, and volunteers were added to the committee.

It was at this date that the Elders undertook a political campaign through the States to nominate Joseph Smith for the Presidential chair of the nation, but it is very evident that the removal of the Saints to the Rocky Mountains, or to California, was the real action contemplated by the Prophet, and not a successful campaign for the presidency of the United States. The event, however, did afford a rare opportunity for sending out the Apostles and a company of the ablest Elders, to make another missionary effort in the States before the contemplated exodus.

A few days later we find Joseph Smith alluding to himself in connection with the presidential chair, but he at once branches off to a subject which more particularly attracted his thoughts, namely, the annexation of Texas and the possession of the Pacific Coast by the United States. Said he:

"As to politics, I care but little about the Presidential chair. I would not give half as much for the office of President of the United States as I would for the one I now hold as Lieutenant-General of the Nauvoo Legion. * * *

"What I have said in my views in relation to the annexation of Texas is, with some, unpopular. The people are opposed to it. Some of the Anti-Mormons are good fellows. I say it, however, in anticipation that they will repent.

* * * We should grasp all the territory we can. * * The government will not receive any advice or counsel from me: they are self-sufficient. * *

"The South holds the balance of power. By annexing Texas I can do away with this evil. As soon as Texas was annexed I would liberate the slaves in two or three States, indemnifying their owners, and send the negroes to Texas, and from Texas to Mexico, where all colors are alike. And if that was not sufficient, I would call upon Canada and annex it."

Mark next his bold empire-founding move, in petitioning Congress to raise a volunteer force of a hundred thousand in the service of the United States, to possess the Pacific Coast. Says he, under date of March 30th:

"I had prepared a memorial to his Excellency, John Tyler, the President of the United States, embodying in it the same sentiments as are in my petition to the Senate and House of Representatives of the United States, dated March 26th, 1844, asking the privilege of raising 100,000 men to extend protection to persons wishing to settle Oregon and other portions of the Territory of the United States, and extend protection to the people in Texas. * * *

"Also signed an introductory letter for Elder Orson Hyde, who is going to carry the memorials to Washington."

To found empire for America was just in the line of his character. Destiny was pushing the Saints westward, and had Joseph Smith reached California at the head of an army of 20,000 pioneers, backed by the remainder of the 100,000 as emigrants, he would have given quite a Napoleonic account of himself, and opened the war with Mexico. This was clearly his intention, and it may be observed that he did not overrate his forces.

And what makes the Prophet's bold national design so deserving of attention is the fact that the United States Government and the British Government were at that moment in an attitude of rivalry for the possession of the Pacific Coast, and that the United States barely escaped being worsted.

Thus prefaced, let us listen to the report of Elder Hyde to the Prophet from the capital:

"* * Judge Douglas has been quite ill, but is just recovered. He will help all he can; Mr. Hardin likewise. But Major Semple says that he does not believe anything will be done about Texas or Oregon this session, for it might have a very important effect upon the Presidential election; and politicians are slow to move when such doubtful and important matters are likely to be affected by it. * * *

"I will now give you my opinion in relation to this matter. It is made up from the spirit of the times in a hasty manner, nevertheless I think time will prove it to be correct:—That Congress will pass no act in relation to Texas or Oregon at present. She is afraid of England, afraid of Mexico, afraid the Presidential election will be twisted by it. The members all appear like unskillful players at checkers—afraid to move, for they see not which way to move advantageously. * *

"The most of the settlers in Oregon and Texas are our old enemies, the mobocrats of Missouri. If, however, the settlement of Oregon and Texas be determined upon, the sooner the move is made the better; and I would not advise

any delay for the action of our Government, for there is such a jealousy of our rising power that Government will do nothing to favor us.

"Your superior wisdom must determine whether to go to Oregon, to Texas, or to remain within these United States and send forth the most efficient men to build up churches, and let them remain for the time being; and in the meantime send some wise men among the Indians and teach them civilization and religion, to cultivate the soil, to live in peace with one another and with all men." * *

In a subsequent letter Elder Hyde said:

"We have this day [April 26th] had a long conversation with Judge Douglas. He is ripe for Oregon and California. He said he would resign his seat in Congress if he could command the force that Mr. Smith could, and would be on the march to that country in a month. 'In five years,' said he, 'a noble State might be formed, and then if they would not receive us into the Union, we would have a government of our own.'"

So we see that the American nation was not at that time prepared for the Prophet's bold design of occupying the Pacific Coast by an irresistible American emigration; yet several years afterward Fremont, with his volunteers in California, and Houston and Taylor by their action in forcing the war with Mexico, proved that a manifest destiny was in some such plan as that proposed; and an American emigration swept on like a tidal wave. And as it was, the Saints, per ship *Brooklyn*, were the first company of American emigrants to arrive in California; while simultaneous was the exodus of the entire community to the Rocky Mountains.

Perhaps it were well also to note here that this petition of Joseph Smith, in 1844, was probably the original basis of the action of President Polk in calling the "Mormon Battalion," and designing to use the Saints for the national convenience of possessing California. The whole of Polk's action in the case, and the instructions of the Secretary of War to General Kearney to "make a dash into California, conquer the country, and set up a government there" in the name of the United States, show that the Cabinet were not only familiar with the Prophet's scheme, but that certain statesmen, at this date, endorsed it.

A passing review of our national affairs of that period, will connect here most suggestively with the Mormon Prophet's bold proposition to the United States Government to possess the Pacific Coast by a hundred thousand Mormon colonists.

From the period of Mr. Jefferson's administration the United States had been striving to checkmate the European Powers, especially Great Britain, France, Russia and Spain, in their schemes to occupy the Pacific coast and firmly establish thereon the dominion of Europe. At length the contest for the Pacific Coast laid between the United States and Great Britain, Mexico herself resigning to our ambitious mother country to prevent the march of American empire upon herself. The ships of both nations were riding in the Bay of San Francisco, the admirals were watching for their respective opportunities.

In 1845 Great Britain had matured a masterly scheme to forestall our government in the possession of California, with the co-operation of Mexico. Mr. Forbes, the British Vice-Consul, was the principal agent of his government in carrying out this finely conceived design. A declaration of the independence of

California from Mexico was to be made, to be followed by a petition from a convention of Californians, to be taken under the protection of Great Britain. But the most diplomatic part of the scheme of the British government was to emigrate ten thousand of its subjects to the valley of San Joaquin, to own and occupy the country. An Irish priest by the name of MacNamara was chosen to fill this part of the scheme, and he went to Mexico in 1845, on his mission to arouse the holy zeal of that republic against the "usurpation of the anti-Catholic and irreligious nation." He urged that no time should be lost or "within a year, California would become a part of the American nation, be inundated by cruel invaders, and their Catholic institutions the prey of Methodist wolves." Thus the Irish priest worded his petition to the Mexican government, urging an Irish emigration to that country for colonization in the interest of Great Britain. The Mexican government listened to this petition, and everything moved on favorably to the completion of the diplomatic scheme, which would have given California into the hands of Great Britain. Indeed, a treaty to this effect was actually signed between the British and the authorities of Mexico and her province of California, and then came events of another shaping, culminating in the war between Mexico and the United States.

Thus may be seen from the counterpart records of those times, that the Mormon Prophet was before-hand with Great Britain in the design of possessing the Pacific Coast by colonization, as the record shows that early in 1844 he petitioned the United States for the privilege of raising 100,000 men "to extend protection to persons wishing to settle Oregon and other portions of the territory of the United States, and extend protection to the people in Texas," while at the same time he was planning the removal of his entire people on to the Pacific slope, as seen in his diary note of February 20th, 1844, already presented. And it is a singular fact in American history that two years later, and nearly simultaneous with the signing of the contract between the British Consul Forbes, Governor Pice of California, and General Castro, President Polk and his cabinet were entertaining the policy of sending a battalion of one thousand Mormon soldiers (this being the original number) overland into California fully equipped and armed, to take possession of and defend that country, while another thousand were designed to be sent from the Eastern States by way of Cape Horn for the same service. President Polk, at this later date, designed to checkmate the British Government, with its ten thousand Irish emigrants, with from twenty to forty thousand Mormon Protestants under the American flag. Thus the true history of those times compared, shows the extraordinary fact that, two years after the assassination of the Mormon Prophet, the United States Government was actually prepared to accept his grand colonizing plan to take possession of the Pacific territory, which he offered in his memorial to President Tyler and the Congress of the United States, bearing date March 26th, 1844. Nothing seems more certain in the record than the fact that had not the assassination of the Mormon Prophet so soon followed his colonizing offer to the United States, he had moved with his people to the Pacific Coast two or three years earlier than the occupation of Utah. And had he gone on to California he would have raised the American flag there, and struck the first blow with his Legion, instead of Fremont doing it in 1846 with his volunteers.

Had the Prophet moved with his people, either to the Rocky Mountains or California proper, it had been at the head of his Legion. Force of circumstances, it seems, would have made him thenceforth a Prophet-General, while the very strength of his Napoleonic character would have shot him, like Jove's thunderbolt, into the action between the United States and Mexico.

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## CHAPTER II.

GOVERNOR FORD URGES THE MIGRATION OF THE MORMONS TO CALIFORNIA. COMPACT OF THE REMOVAL. ADDRESS TO THE PRESIDENT OF THE UNITED STATES. THE EXODUS. MORMON LIFE ON THE JOURNEY. A SENSATION FROM THE UNITED STATES GOVERNMENT.

Soon after the assassination of the Prophet and his brother Hyrum, Governor Ford, in a letter to President Young, under date of April 8th, 1845, urging the migration of the Mormons to California, said:

"If you can get off by yourselves you may enjoy peace; but, surrounded by such neighbors, I confess that I do not see the time when you will be permitted to enjoy quiet. I was informed by General Joseph Smith last summer that he contemplated a removal west: and from what I learned from him and others at that time, I think, if he had lived, he would have begun to move in the matter before this time. I would be willing to exert all my feeble abilities and influence to further your views in this respect if it was the wish of your people.

"I would suggest a matter in confidence. California now offers a field for the prettiest enterprise that has been undertaken in modern times. It is but sparsely inhabited, and by none but the Indian or imbecile Mexican Spaniards. I have not enquired enough to know how strong it is in men and means. But this we know, that if conquered from Mexico, that country is so physically weak, and morally distracted, that she could never send a force there to reconquer it. Why should it not be a pretty operation for your people to go out there, take possession of and conquer a portion of the vacant country, and establish an independent government of your own, subject only to the law of nations? You would remain there a long time before you would be disturbed by the proximity of other settlements. If you conclude to do this, your design ought not to be known, or otherwise it would become the duty of the United States to prevent your emigration. If once you cross the line of the United States Territories, you would be in no danger of being interfered with."

Knowing the intentions of Joseph Smith to remove the Mormon people, Senator Douglas and others had given similar advice to him; and the very fact that such men looked upon the Mormons as quite equal to the establishment of an independent nationality, is most convincing proof that not their wrong-doing, but their empire-founding genius has been, and still is, the cause of the "irrepressible conflict" between them and their opponents.

The advice of Governor Ford, however, was neither sought nor required. Brigham Young, carrying out Joseph Smith's plan, had nearly matured every part of the movement, shaping also the emigration from the British Mission; but the Rocky Mountains, not California proper, was the place chosen for his people's retreat.

It was then that the Mormon leaders addressed the famous petition to President Polk and the Governors of all the States, excepting Missouri and Illinois, changing simply the address to each person. Here it is:

"NAUVOO, April 24th, 1845.

"HIS EXCELLENCY JAMES K. POLK,

*President of the United States.*

"*Hon. Sir:* Suffer us, in behalf of a disfranchised and long afflicted people, to prefer a few suggestions for your serious consideration, in hope of a friendly and unequivocal response, at as early a period as may suit your convenience, and the extreme urgency of the case seems to demand.

"It is not our present design to detail the multiplied and aggravated wrongs that we have received in the midst of a nation that gave us birth. Most of us have long been loyal citizens of some one of these United States, over which you have the honor to preside, while a few only claim the privilege of peaceable and lawful emigrants, designing to make the Union our permanent residence.

"We say we are a disfranchised people. We are privately told by the highest authorities of the State that it is neither prudent nor safe for us to vote at the polls; still we have continued to maintain our right to vote, until the blood of our best men has been shed, both in Missouri and Illinois, with impunity.

"You are doubtless somewhat familiar with the history of our expulsion from the State of Missouri, wherein scores of our brethren were massacred. Hundreds died through want and sickness, occasioned by their unparalleled sufferings. Some millions worth of our property was destroyed, and some fifteen thousand souls fled for their lives to the then hospitable and peaceful shores of Illinois; and that the State of Illinois granted to us a liberal charter, for the term of perpetual succession, under whose provision private rights have become invested, and the largest city in the State has grown up, numbering about twenty thousand inhabitants.

"But, sir, the startling attitude recently assumed by the State of Illinois, forbids us to think that her designs are any less vindictive than those of Missouri. She has already used the military of the State, with the executive at their head, to coerce and surrender up our best men to unparalleled murder, and that too under the most sacred pledges of protection and safety. As a salve for such unearthly perfidy and guilt, she told us, through her highest executive officers, that the laws should be magnified and the murderers brought to justice; but the blood of her innocent victims had not been wholly wiped from the floor of the awful arena, ere the Senate of that State rescued one of the indicted actors in that mournful tragedy from the sheriff of Hancock County, and gave him a seat in her hall of legislation; and all who were indicted by the grand jury of Hancock County for the murder of Joseph and Hyrum Smith, are suffered to roam at large, watching for further prey.

"To crown the climax of those bloody deeds, the State has repealed those chartered rights, by which we might have lawfully defended ourselves against aggressors. If we defend ourselves hereafter against violence, whether it comes under the shadow of law or otherwise (for we have reason to expect it in both ways), we shall then be charged with treason and suffer the penalty; and if we continue passive and non-resistant, we must certainly expect to perish, for our enemies have sworn it.

"And here, sir, permit us to state that General Joseph Smith, during his short life, was arraigned at the bar of his country about fifty times, charged with criminal offences, but was acquitted every time by his country; his enemies, or rather his religious opponents, almost invariably being his judges. And we further testify that, as a people, we are law-abiding, peaceable and without crime; and we challenge the world to prove to the contrary; and while other less cities in Illinois have had special courts instituted to try their criminals, we have been stript of every source of arraigning marauders and murderers who are prowling around to destroy us, except the common magistracy.

"With these facts before you, sir, will you write to us without delay as a father and friend, and advise us what to do. We are members of the same great confederacy. Our fathers, yea, some of us, have fought and bled for our country, and we love her Constitution dearly.

"In the name of Israel's God, and by virtue of multiplied ties of country and kindred, we ask your friendly interposition in our favor. Will it be too much for us to ask you to convene a special session of Congress, and furnish us an asylum, where we can enjoy our rights of conscience and religion unmolested? Or, will you, in a special message to that body, when convened, recommend a remonstrance against such unhallowed acts of oppression and expatriation as this people have continued to receive from the States of Missouri and Illinois? Or will you favor us by your personal influence and by your official rank? Or will you express your views concerning what is called the "Great Western Measure" of colonizing the Latter-day Saints in Oregon, the north-western Territory, or some location remote from the States, where the hand of oppression shall not crush every noble principle and extinguish every patriotic feeling?

"And now, honored sir, having reached out our imploring hands to you, with deep solemnity, we would importune you as a father, a friend, a patriot and the head of a mighty nation, by the Constitution of American liberty, by the blood of our fathers who have fought for the independence of this republic, by the blood of the martyrs which has been shed in our midst, by the wailings of the widows and orphans, by our murdered fathers and mothers, brothers and sisters, wives and children, by the dread of immediate destruction from secret combinations now forming for our overthrow, and by every endearing tie that binds man to man and renders life bearable, and that too, for aught we know, for the last time,—that you will lend your immediate aid to quell the violence of mobocracy, and exert your influence to establish us as a people in our civil and religious rights, where we now are, or in some part of the United States, or in some place remote therefrom, where we may colonize in peace and safety as soon as circumstances will permit.

"We sincerely hope that your future prompt measures towards us will be dictated by the best feelings that dwell in the bosom of humanity, and the blessings of a grateful people, and many ready to perish, shall come upon you.

"We are, sir, with great respect, your obedient servants,

BRIGHAM YOUNG,
WILLARD RICHARDS,
ORSON SPENCER,
ORSON PRATT,
W. W. PHELPS,
A. W. BABBITT,
J. M. BERNHISEL,
} *Committee,*

*In behalf of the Church of Jesus Christ of Latter-day Saints, at Nauvoo, Illinois.*

"P.S.—As many of our communications, post-marked at Nauvoo, have failed of their destination, and the mails around us have been intercepted by our enemies, we shall send this to some distant office by the hand of a special messenger."

The appeal itself is not a mere attempt at rhetoric. The very inelegance of multiplied ties and sacred objects invoked and crowded upon each other, to touch the hearts of men in power, is truly affecting. There is a tragic burden in the circumstances and urgency of the case. But the prayer was unanswered.

Towards the close of the year 1845, the leaders, in council, resolved to remove their people at once and seek a second Zion in the valleys of the Rocky Mountains. It was too clear that they could no longer dwell among so-called civilized men. They knew that they must soon seek refuge with the children of the forest; and as for humanity, they must seek it in the breasts of savages, for there was scarcely a smouldering spark of it left for them, either in Missouri or Illinois, nor indeed anywhere within the borders of the United States.

They had now no destiny but in the West. If they tarried longer their blood would fertilize the lands which they had tilled, and their wives and daughters would be ravished within the sanctuary of the homes which their industrious hands had built. Their people were by a thousand ancestral links joined to the Pilgrim Fathers who founded this nation, and with the heroes who won for it independence, and it was as the breaking of their heartstrings to rend them from their fatherland, and send them as exiles into the territory of a foreign power. But there was no alternative between a Mormon exodus or a Mormon massacre.

Sorrowfully, but resolutely, the Saints prepared to leave; trusting in the Providence which had thus far taken them through their darkest days, and multiplied upon their heads compensation for their sorrows. But the anti-Mormons seemed eager for the questionable honor of exterminating them. In September of the year 1845, delegates from nine counties met in convention, at Carthage, over the Mormon troubles, and sent four commissioners: General Hardin, Commander of the State Militia; Senator Douglass; W. B. Warren; and J. A. McDougal, to demand the removal of the Mormons to the Rocky Mountains. The commissioners held a council with the Twelve Apostles at Nauvoo, and the Mormon leaders promptly agreed to remove their people at once, a movement, as we

have seen, which they had been considering for several years. Now were they brought face to face with the issue. The Mormon leaders sought not to evade it; but, with their characteristic Israelitish methods, resolved to grapple with the tremendous undertaking of the exodus of a people.

On that exodus hung, not only the very destiny of the people, but the peace of the State of Illinois. Probably it was a sensible comprehension of this fact that prompted General Hardin to ask of the Twelve Apostles, at the council in question, what guarantee they would give that the Mormons would fulfill their part of the covenant. To this Brigham Young replied, with a strong touch of common-sense severity: "*You have our all as the guarantee; what more can we give beyond the guarantee of our names?*" Senator Douglass observed, "Mr. Young is right." But General Hardin knew that the people of Illinois, and especially the anti-Mormons, would look to him more than to Douglass, who had been styled the Mormon-made senator; so the commissioners asked for a written covenant, of a nature to relieve themselves of much of the responsibility, and addressed the following:

"NAUVOO, Oct. 1st, 1845.

"*To the President and Council of the Church at Nauvoo:*

"Having had a free and full conversation with you this day, in reference to your proposed removal from this country, together with the members of your church, we have to request you to submit the facts and intentions stated to us in the said conversations to writing, in order that we may lay them before the Governor and people of the State. We hope that by so doing it will have a tendency to allay the excitement at present existing in the public mind.

"We have the honor to subscribe ourselves,

Respectfully yours,
JOHN J. HARDIN,
W. B. WARREN,
S. A. DOUGLASS,
J. A. MCDOUGAL."

The covenant itself is too precious to be lost to history; here it is:

"NAUVOO, ILL., Oct. 1st, 1845.

"*To Gen. J. Hardin, W. B. Warren, S. A. Douglass, and J. A. McDougal:*

"*Messrs:*—In reply to your letter of this date, requesting us 'to submit the facts and intentions stated by us in writing, in order that you may lay them before the Governor and people of the State,' we would refer you to our communication of the 24th ult. to the 'Quincy Committee,' etc., a copy of which is herewith enclosed.

"In addition to this we would say that we had commenced making arrangements to remove from the country previous to the recent disturbances; that we have four companies, of one hundred families each, and six more companies now organizing, of the same number each, preparatory to a removal.

"That one thousand families, including the Twelve, the High Council, the trustees and general authorities of the Church, are fully determined to remove in

the Spring, independent of the contingencies of selling our property; and that this company will comprise from five to six thousand souls.

"That the Church, as a body, desire to remove with us, and will, if sales can be effected, so as to raise the necessary means.

"That the organization of the Church we represent is such that there never can exist but one head or presidency at any one time. And all good members wish to be with the organization: and all are determined to remove to some distant point where we shall neither infringe nor be infringed upon, so soon as time and means will permit.

"That we have some hundreds of farms and some two thousand houses for sale in this city and county, and we request all good citizens to assist in the disposal of our property.

"That we do not expect to find purchasers for our Temple and other public buildings; but we are willing to rent them to a respectable community who may inhabit the city.

"That we wish it distinctly understood that although we may not find purchasers for our property, we will not sacrifice it, nor give it away, or suffer it illegally to be wrested from us.

"That we do not intend to sow any wheat this Fall, and should we all sell, we shall not put in any more crops of any description.

"That as soon as practicable, we will appoint committees for this city, La Harpe, Macedonia, Bear Creek, and all necessary places in the county, to give information to purchasers.

"That if these testimonies are not sufficient to satisfy any people that we are in earnest, we will soon give them a sign that cannot be mistaken—WE WILL LEAVE THEM.

"In behalf of the council, respectfully yours, etc.,

BRIGHAM YOUNG, *President.*
WILLARD RICHARDS, *Clerk.*"

The covenant satisfied the commissioners, and for a time also satisfied the anti-Mormons.

But their enemies were impatient for the Mormons to be gone. They would not keep even their own conditions of the covenant, much less were they disposed to lend a helping hand to lighten the burden of this thrice-afflicted people in their exodus, that their mutual bond might be fulfilled—a bond already sealed with the blood of their Prophet, and of his brother the Patriarch. So the High Council issued a circular to the Church, January 20, 1846, in which they stated the intention of their community to locate "in some good valley in the neighborhood of the Rocky Mountains, where they will infringe on no one, and not be likely to be infringed upon." "Here we will make a resting place," they said, "until we can determine a place for a permanent location. * * * We also further declare, for the satisfaction of some who have concluded that our grievances have alienated us from our country, that our patriotism has not been overcome by fire, by sword, by daylight nor by midnight assassination which we have endured, neither have they alienated us from the institutions of our country."

Then came the subject of service on the side of their country, should war

break out between it and a foreign country, as was indicated at that time by our growing difficulties with Mexico. The anti-Mormons took advantage of this war prospect, and not satisfied with their act of expulsion, they raised the cry, "The Mormons intend to join the enemy!" This was as cruel as the seething of the kid in its mother's milk, but the High Council answered it with the homely anecdote of the Quaker's characteristic action against the pirates in defence of the ship on which he was a passenger, when he cut away the rope in the hands of the boarder, observing: "If thee wants that piece of rope I will help thee to it." "The pirate fell," said the circular, "and a watery grave was his resting place." Their country had been anything but a kind protecting parent to the Saints, but at least, in its hour of need, they would do as much as the conscientious Quaker did in the defence of the ship. There was, too, a grim humor and quiet pathos in the telling, that was more touchingly reproachful than would have been a storm of denunciations. In the same spirit the High Council climaxed their circular thus:

"We agreed to leave the country for the sake of peace, upon the condition that no more persecutions be instituted against us. In good faith we have labored to fulfill this agreement. Governor Ford has also done his duty to further our wishes in this respect, but there are some who are unwilling that we should have an existence anywhere; but our destinies are in the hands of God, and so are also theirs."

Early in February, 1846, the Mormons began to cross the Mississippi in flat boats, old lighters, and a number of skiffs, forming, says the President's Journal, "quite a fleet," which was at work night and day under the direction of the police, commanded by their captain, Hosea Stout. Several days later the Mississippi froze over, and the companies continued the crossing on the ice.

On the 15th of the same month, Brigham Young, with his family, accompanied by Willard Richards and family, and George A. Smith, also crossed the Mississippi from Nauvoo, and proceeded to the "Camps of Israel," as they were styled by the Saints, which waited on the west side of the river, a few miles on the way, for the coming of their leaders. These were to form the vanguard of the migrating Saints, who were to follow from the various States where they were located, or had organized themselves into flourishing branches and conferences; and soon after this period also began to pour across the Atlantic that tide of emigration from Europe which has since since swelled to the number of over one hundred thousand souls.

As yet the "Camps of Israel" were unorganized, awaiting the coming of the President, on Sugar Creek, which he and his companions reached at dusk. The next day he was busy organizing the company, and on the following, which was February 17th, at 9:50 A. M., the brethren of the camp had assembled near the bridge, to receive their initiatory instructions, and take the word of command from their leader, who ended his first day's orders to the congregation with a real touch of the law-giver's method. He said, "We will have no laws we cannot keep, but we will have order in the camp. If any want to live in peace when we have left this place, they must toe the mark." He then called upon all who

wanted to go with the camp to raise their right hands. "All hands flew up at the bidding," says the record.

After the dismissal of the congregation, the President took several of the Twelve with him half a mile up a valley east of the camp and held a council. A letter was read from Mr. Samuel Brannan, of New York, with a copy of a curious agreement between him and a Mr. A. G. Benson, which had been sent west, under cover, for the authorities to sign.

To make clear to the reader a story, which now belongs to our national history, in connection with the first settling of California, it must be observed that Brannan, once known as one of the millionaires of the Golden State, had been the editor of *The Prophet*, published at New York. He seems to have been one of those sagacious men who saw in Mormonism the means to their own ends. At the date of the exodus he was in the charge of a company of Saints, bound for the Pacific Coast, in the ship *Brooklyn*. They took all necessary outfit for the first settlers of a new country, including a printing press, upon which was afterwards struck off the first regular newspaper of California. This company was, also, the earliest company of American emigrants that arrived in the bay of San Francisco, and really the pioneer emigration of American citizens to the Golden State, for Fremont's volunteers cannot be considered in that character. Indeed, it is not a little singular that the Mormons were not only the pioneers of Utah, but also the pioneers of California, the builders of the first houses, the starters of the first papers, and, what has contributed so much to the growth of the Pacific Slope, the men who discovered the gold, under Mr. Marshal, the foreman of Sutter's mills. These facts, however, the people of California seem somewhat to hide in the histories of their State.

Relative to the sailing of this company, Samuel Brannan had written to the Mormon authorities. Ex-Postmaster Amos Kendall, and the said Benson, who seems to have been Kendall's agent, with others of political influence, represented to Brannan that, unless the leaders of the Church signed an agreement with them, to which the President of the United States, he said, was a "silent party," the government would not permit the Mormons to proceed on their journey westward. This agreement required the pioneers "to transfer to A. G. Benson & Co., and to their heirs and assigns, the odd numbers of all the lands and town lots they may acquire in the country where they may settle." In case they refused to sign the agreement the President, it was said, would issue a proclamation, setting forth that it was the intention of the Mormons to take sides with either Mexico or Great Britain against the United States, and order them to be disarmed and dispersed. Both the letter and contract are very characteristic, and the worldly-minded man's poor imitation of the earnest religionist has probably often since amused Mr. Brannan himself. In his letter he said:

"I declare to all that you are not going to California, but Oregon, and that my information is official. Kendall has also learned that we have chartered the ship *Brooklyn*, and that Mormons are going out in her; and, it is thought, she will be searched for arms, and, if found, they will be taken from us; and if not, an order will be sent to Commodore Stockton on the Pacific to search our vessel before we land. Kendall will be in the city next Thursday again, and then an

effort will be made to bring about a reconciliation. I will make you acquainted with the result before I leave."

The "reconciliation" between the Government and the Mormons, as the reader will duly appreciate, was to be effected by a division of the spoils among the political chiefs, including, if Brannan and Kendall are to be relied on, the President of the United States. The following letter of fourteen days later date is too rich and graphic to be lost to the public:

"NEW YORK, January 26, 1846.

"*Dear Brother Young:*

"I haste to lay before your honorable body the result of my movements since I wrote you last, which was from this city, stating some of my discoveries, in relation to the contemplated movements of the General Government in opposition to our removal.

"I had an interview with Amos Kendall, in company with Mr. Benson, which resulted in a compromise, the conditions of which you will learn by reading the contract between them and us, which I shall forward by this mail. I shall also leave a copy of the same with Elder Appleby, who was present when it was signed. Kendall is now our friend, and will use his influence in our behalf, in connection with twenty-five of the most prominent demagogues in the country. You will be permitted to pass out of the States unmolested. Their counsel is to go well armed, but keep them well secreted from the rabble.

"I shall select the most suitable spot on the Bay of San Francisco for the location of a commercial city. When I sail, which will be next Saturday, at one o'clock, I shall hoist a flag with 'Oregon' on it.

"Immediately on the reception of this letter, you must write to Mr. A. G. Benson, and let him know whether you are willing to coincide with the contract I have made for our deliverance. I am aware it is a covenant with death, but we know that God is able to break it, and will do it. The Children of Israel, in their escape from Egypt, had to make covenants for their safety, and leave it for God to break them; and the Prophet has said, 'As it was then, so shall it be in the last days.' And I have been led by a remarkable train of circumstances to say, amen; and I feel and hope you will do the same.

"Mr. Benson thinks the Twelve should leave and get out of the country first, and avoid being arrested, if it is a possible thing; but if you are arrested, you will find a staunch friend in him; and you will find friends, and that a host, to deliver you from their hands. If any of you are arrested, don't be tried west of the Alleghany Mountains; in the East you will find friends that you little think of.

"It is the prayer of the Saints in the East night and day for your safety, and it is mine first in the morning and the last in the evening.

"I must now bring my letter to a close. Mr. Benson's address is No. 39 South Street; and the sooner you can give him answer the better it will be for us. He will spend one month in Washington to sustain you, and he will do it, no mistake. But everything must be kept silent as death on our part, names of parties in particular.

"I now commit this sheet to the post, praying that Israel's God may pre-

Geo. R. Smith

vent it from falling into the hands of wicked men. You will hear from me again on the day of sailing, if it is the Lord's will, amen.

"Your's truly, a friend and brother in God's kingdom.

S. BRANNAN."

The contract in question was signed by Samuel Brannan and A. G. Benson, and witnessed by W. I. Appleby. To it is this postscript:

"This is only a copy of the original, which I have filled out. It is no gammon, but will be carried through, if you say, amen. It was drawn up by Kendall's own hand; but no person must be known but Mr. Benson."

The following simple minute, in Brigham Young's private journal, is a fine set-off to these documents:

"Samuel Brannan urged upon the council the signing of the document. The council considered the subject, and concluded that as our trust was in God, and that, as we looked to him for protection, we would not sign any such unjust and oppressive agreement. This was a plan of political demagogues to rob the Latter-day Saints of millions, and compel them to submit to it by threats of Federal bayonets."

No matter what view the reader may take of the Mormons and their leaders relative to the intrinsic value to the world of their social and theological problems, no intelligent mind can help being struck with the towering superiority of men trusting in their God, in the supremest hour of trial, compared with the foremost politicians in the country, including a President of the United States, as illustrated in the above example. It is charitably to be hoped, however, that President Polk was a very "silent party" to this scheme, and that his name was merely used to give potency to the promise of protection, and to the threat that the General Government would intercept the Mormons in their exodus.

Little did the political demagogues of the time, and these land speculators, understand the Mormon people, and still less the character of the men who were leading them; nor did "Elder Brannan" know them much better. From the beginning the Mormons never gave up an inch of their chosen ground, never, as a people, consented to a compromise, nor allowed themselves to be turned aside from their purposes, nor wavered in their fidelity to their faith. They would suffer expulsion, or make an exodus if need be, yet ever, as in this case, have they answered, "Our trust is in God. We look to Him for protection." So far "Elder Brannan" understood them; hence his profession of faith that the Lord would overrule and break the "covenant with death." But these men did wiser and better. They never made the covenant, but calmly defied the consequences, which they knew too well might soon follow. Not even as much as to reply to Messrs. Benson, Kendall & Co. did they descend from the pinnacle of their integrity.

But, be it not for a moment thought that the Mormon leaders did not fully comprehend their critical position in all its aspects. A homely anecdote of the apostle George A. Smith will illustrate those times. At a council in Nauvoo, of the men who were to act as the captains of the people in that famous exodus, one after the other brought up difficulties in their path until the prospect was without

one poor speck of daylight. The good nature of "George A." was provoked at last, when he sprang up and observed with his quaint humor that had now a touch of the grand in it, "If there is no God in Israel we are a 'sucked in' set of fellows. But I am going to take my family and cross the river, and the Lord will open the way." He was one of the first to set out on that miraculous journey to the Rocky Mountains.

Having resolved to trust in their God and themselves, quietly setting aside the politicians, Brigham Young and several of the Twelve left the Camp of Israel for a few days, and returned to bid farewell to their beloved Nauvoo, and hold a parting service in the Temple. This was the last time Brigham Young ever saw that sacred monument of the Mormons' devotion.

The Pioneers had now been a month on Sugar Creek, and during the time had, of course, consumed a vast amount of the provisions; indeed, nearly all, which had been gathered up for their journey. Their condition, however, was not without its compensation; for it checked the movements of the mob, among whom the opinion prevailed that the outfit of the Pioneers was so utterly insufficient that, in a short time, they would break in pieces and scatter. Moreover, it was mid-winter. Up to the date of their starting from this first camping ground, detachments continued to join them, crossing the Mississippi, from Nauvoo, on the ice; but before starting they addressed the following memorial:

"*To His Excellency Governor of the Territory of Iowa:*

*Honored Sir:* The time is at hand in which several thousand free citizens of this great Republic are to be driven from their peaceful homes and firesides, their property and farms, and their dearest constitutional rights, to wander in the barren plains and sterile mountains of western wilds, and linger out their lives in wretched exile, far beyond the pale of professed civilization, or else be exterminated upon their own lands by the people and authorities of the State of Illinois.

"As life is sweet, we have chosen banishment rather than death, but, sir, the terms of our banishment are so rigid, that we have not sufficient time allotted us to make the necessary preparations to encounter the hardships and difficulties of these dreary and uninhabited regions. We have not time allowed us to dispose of our property, dwellings and farms, consequently many of us will have to leave them unsold, without the means of procuring the necessary provisions, clothing, teams, etc., to sustain us but a short distance beyond the settlements; hence our persecutors have placed us in very unpleasant circumstances.

"To stay is death by 'fire and sword;' to go into banishment unprepared is death by starvation. But yet, under these heartrending circumstances, several hundred of us have started upon our dreary journey, and are now encamped in Lee County, Iowa, suffering much from the intensity of the cold. Some of us are already without food, and others have barely sufficient to last a few weeks: hundreds of others must shortly follow us in the same unhappy condition, therefore:

"We, the presiding authorities of the Church of Jesus Christ of Latter-day Saints, as a committee in behalf of several thousand suffering exiles, humbly ask Your Excellency to shield and protect us in our constitutional rights, while we are passing through the Territory over which you have jurisdiction. And, should

any of the exiles be under the necessity of stopping in this Territory for a time, either in settled or unsettled parts, for the purpose of raising crops, by renting farms or upon public lands, or to make the necessary preparations for their exile in any lawful way, we humbly petition Your Excellency to use an influence and power in our behalf, and thus preserve thousands of American citizens, together with their wives and children, from intense sufferings, starvation and death. And your petitioners will ever pray."

In the diary of the President is a sort of valedictory, written before starting on their journey from Sugar Creek, which concludes thus: "Our homes, gardens, orchards, farms, streets, bridges, mills, public halls, magnificent temple, and other public improvements we leave as a monument of our patriotism, industry, economy, uprightness of purpose, and integrity of heart, and as a living testimony of the falsehood and wickedness of those who charge us with disloyalty to the Constitution of our country, idleness and dishonesty."

The Mormons were setting out under their leaders, from the borders of civilization, with their wives and their children, in broad daylight, before the very eyes of ten thousand of their enemies, who would have preferred their utter destruction to their "flight," notwithstanding they had enforced it by treaties outrageous beyond description, inasmuch as the exiles were nearly all American born, many of them tracing their ancestors to the very founders of the nation. They had to make a journey of fifteen hundred miles over trackless prairies, sandy deserts and rocky mountains, through bands of warlike Indians, who had been driven, exasperated, towards the West; and at last, to seek out and build up their Zion in valleys then unfruitful, in a solitary region where the foot of the white man had scarcely trod. These, too, were to be followed by the aged, the halt, the sick and the blind, the poor, who were to be helped by their little less destitute brethren, and the delicate young mother with her new-born babe at her breast, and still worse, for they were not only threatened with the extermination of the poor remnant at Nauvoo, but news had arrived that the parent-government designed to pursue their pioneers with troops, take from them their arms, and scatter them, that they might perish by the way, and leave their bones bleaching in the wilderness.

Yet did Brigham Young deal with the exodus of the Mormon people as simply in its opening as he did in his daily record of it. So, indeed, did the entire Mormon community. They all seemed as oblivious of the stupendous meaning of an exodus, as did the first workers on railroads of the vast meaning to civilization of that wonder of the age. A people trusting in their God, the Mormons were, in their mission, superior to the greatest human trials, and in their child-like faith equal to almost superhuman undertakings. To-day, however, with the astonishing change which has come over the spirit of the scene, on the whole Pacific Slope, since the Mormons pioneered our nation towards the setting sun, the picture of a modern Israel in their exodus has almost faded from the popular mind; but, in the centuries hence, when the passing events of this age shall have each taken their proper place, the historian will point back to that exodus in the New World of the West, as one quite worthy to rank with the immortal exodus of the children of Israel.

At about noon, on the 1st of March, 1846, the "Camp of Israel" began to move, and at four o'clock nearly four hundred wagons were on the the way, traveling in a north-westerly direction. At night, they camped again on Sugar Creek, having advanced five miles. Scraping away the snow, they pitched their tents upon the hard frozen ground; and after building large fires in front, they made themselves as comfortable as possible under the circumstances. Indeed, it is questionable whether any other people in the world could have cozened themselves into a happy state of mind amid such surroundings, with such a past, fresh and bleeding in their memories, and with such a prospect as was before both themselves and the remnant of their brethren left in Nauvoo to the tender mercies of the mob. In his diary Apostle Orson Pratt wrote that night, "Notwithstanding our sufferings, hardships and privations, we are cheerful, and rejoice that we have the privilege of passing through tribulation for the truth's sake."

These Mormon pilgrims, who took much consolation on their journey in likening themselves to the pilgrim fathers and mothers of this nation, whose descendants many of them actually were, that night made their beds upon the frozen earth. "After bowing before our great Creator," wrote Apostle Pratt, "and offering up praise and thanksgiving to him, and imploring his protection, we resigned ourselves to the slumbers of the night."

But the weather was more moderate that night than it had been for several weeks previous. At their first encampment the thermometer, at one time, fell twenty degrees below zero, freezing over the great Mississippi. The survivors of that journey will tell you they never suffered so much from the cold in their lives as they did on Sugar Creek. And what of the Mormon women? Around them circles an almost tragic romance. Fancy may find abundant subject for graphic story of the devotion, the suffering, the matchless heroism of the "Sisters," in the telling incident that nine children were born to them the first night they camped out on Sugar Creek, February 5th, 1846. That day they wept their farewells over their beloved city, or in the sanctuary of the Temple, in which they had hoped to worship till the end of life, but which they left, never to see again; that night suffering nature administered to them the mixed cup of woman's supremest joy and pain.

But it was not prayer alone that sustained these pilgrims. The practical philosophy of their great leader, daily and hourly applied to the exigencies of their case, did almost as much as their own matchless faith to sustain them from the commencement to the end of their journey. With that leader had very properly come to the "Camp of Israel" several of the Twelve and the chief bishops of the Church, but he also brought with him a quorum humble in pretensions, yet useful as high priests to the Saints in those spirit-saddening days. It was Captain Pitt's brass band. That night the President had the "brethren and sisters" out in the dance, and the music was as glad as at a merry-making. Several gentlemen from Iowa gathered to witness the strange interesting scene. They could scarcely believe their own senses when they were told that these were the Mormons in their "flight from civilization," bound they knew not whither, except where God should lead them by the "hand of his servant."

Thus in the song and the dance the Saints praised the Lord. When the

night was fine, and supper, which consisted of the most primitive fare, was over, some of the men would clear away the snow, while others bore large logs to the camp-fires in anticipation of the jubilee of the evening. Soon, in a sheltered place, the blazing fires would roar, and fifty couples, old and young, would join, in the merriest spirit, to the music of the band or the rival revelry of the solitary fiddle. As they journeyed along, too, strangers constantly visited their camps, and great was their wonderment to see the order, unity and good feeling that prevailed in the midst of the people. By the camp fires they would linger, listening to the music and song; and they fain had taken part in the merriment had not those scenes been as sacred worship in the exodus of a God-fearing people. To fully understand the incidents here narrated, the reader must couple in his mind the idea of an exodus with the idea of an Israelitish jubilee; for it was a jubilee to the Mormons to be delivered from their enemies at any price.

The sagacious reader will readily appreciate the wise method pursued by Brigham Young. Prayers availed much. The hymn and the prayer were never forgotten at the close of the dance, before they dispersed, to make their bed within the shelter of the wagon, or under it, exposed to the cold of those bitter nights. But the dance and the song kept the Mormon pilgrims cheerful and healthy in mind, whereas, had a spirit of gloomy fanaticism been encouraged, such as one might have expected, most likely there would soon have been murmuring in the congregation against their Moses, and the people would have been sighing for the flesh-pots of Egypt. The patriarchal care of Brigham Young over the migrating thousands was also something uncommon. It was extended to every family, every soul; even the very animals had the master friend near to ease and succor them. A thousand anecdotes could be told of that journey to illustrate this. When traveling, or in camp, he was ever looking after the welfare of all. No poor horse or ox even had a tight collar or a bow too small but his eye would see it. Many times did he get out of his vehicle and see that some suffering animal was relieved.

There can be no doubt that the industrious habits of the Mormons, and the semi-communistic character of their camps, enabled them to accomplish on their journey what otherwise would have been impossible. They were almost destitute at the start, but they created resources on the way. Their pioneers and able-bodied men generally took work on farms, split rails, cleared the timber for the new settlers, fenced their lands, built barns and husked their corn. Each night brought them some employment; and, if they laid over for a day or two at their encampment, the country around was busy with their industry. They also scattered for work, some of them going even into Missouri among their ancient enemies to turn to the smiter the "other cheek," while they were earning support for their families.

At one of their first camping grounds, on a ten-acre lot which the pioneer had cleared of timber, they made the acquaintance of its owner, a Dr. Jewett. The worthy doctor was an enthusiast over mesmerism and animal magnetism, so he sought to convert the Mormon leaders to his views. Brigham Young replied, "I perfectly understand it, Doctor. We believe in the Lord's magnetizing. He magnetized Belshazzar so that he saw the hand-writing on the wall." The

Mormons, too, had seen the hand-writing on the wall, and were hastening to the mountains.

The citizens of Farmington came over to invite the Nauvoo Band, under Captain Pitt, to come to their village for a concert. There was some music left in the "brethren." They had not forgotten how to sing the "Songs of Zion," so they made the good folks of Farmington merry, and for a time forgot their own sorrows.

As soon as the "Camp of Israel" was fairly on the march, the leader, with the Twelve and the captains, divided it into companies of hundreds, fifties, and tens; and then the companies took up their line in order, Brigham Young directing the whole, and bringing up the main body, with the chief care of the families.

The weather was still intensely cold. The Pioneers moved in the face of keen-edged northwest winds; they broke the ice to give their cattle drink; they made their beds on the soaked prairie lands; heavy rains and snow by day, and frost at night, rendered their situation anything but pleasant. The bark and limbs of trees were the principal food of their animals, and after doubling their teams all day, wading through the deep mud, they would find themselves at night only a few miles on their journey. They grew sick of this at last, and for three weeks rested on the head waters of the Chariton, waiting for the freshets to subside.

These incidents of travel were varied by an occasional birth in camp. There was also the death of a lamented lady early on the journey. She was a gentle, intelligent wife of a famous Mormon missionary, Orson Spencer, once a Baptist minister of excellent standing. She had requested the brethren to take her with them. She would not be left behind. Life was too far exhausted by the persecutions to survive the exodus, but she could yet have the honor of dying in that immortal circumstance of her people. Several others of the sisters also died at the very starting. Ah, who shall fitly picture the lofty heroism of the Mormon women!

It was near the Chariton that the organization of the "Camp of Israel" was perfected, on the 27th of March, when Brigham Young was formally chosen as the President; and captains of hundreds, fifties, and tens were appointed.

Thus the Twelve became relieved of their mere secular commands, and were placed at the heads of divisions, in their more apostolic character, as presidents.

The provisioning of the camp was also equally brought under organic management. Henry G. Sherwood was appointed contracting commissary for the first fifty; David D. Yearsley for the second; W. H. Edwards for the third; Peter Haws for the fourth; Samuel Gulley for the fifth: Joseph Warburton for the sixth. Henry G. Sherwood ranked as acting commissary-general. There were also distributing commissaries appointed. Their duties, says the President's diary, "are to make a righteous distribution of grain and provisions, and such articles as shall be furnished for the use of the camp, among their respective fifties."

Thus it will be seen that the "Camp of Israel" now partook very much of a military character, with all of an army's organic efficiency.

Towards the end of April the camp came to a place the leaders named Garden Grove. Here they determined to form a small settlement, open farms, and make a temporary gathering place for "the poor," while the better prepared were to push on the way and make other settlements.

On the morning of the 27th of April the bugle sounded at Garden Grove, and all the men assembled to organize for labor. Immediately hundreds of men were at work cutting trees, splitting rails, making fences, cutting logs for houses, building bridges, digging wells, making plows, and herding cattle. Quite a number were sent into the Missouri settlements to exchange horses for oxen, valuable feather beds and the like for provisions and articles most needed in the camp, and the remainder engaged in plowing and planting. Messengers were also dispatched to call in the bands of pioneers scattered over the country seeking work, with instructions to hasten them up to help form the new settlements before the season had passed; so that, in a scarcely conceivable time, at Garden Grove and Mount Pisgah, industrious settlements sprang up almost as if by magic. The main body also hurried on towards old Council Bluffs, under the President and his chief men, to locate winter quarters, and to send on a picked company of pioneers that year to the Rocky Mountains. Reaching the Missouri River, they were welcomed by the Pottowatomie and Omaha Indians.

By this time Apostle Orson Hyde had arrived at headquarters from Nauvoo, and Apostle Woodruff, home from his mission to England, was at Mount Pisgah. To this place an express from the President at Council Bluffs came to raise one hundred men for the expedition to the mountains. Apostle Woodruff called for the mounted volunteers, and sixty at once followed him out into the line; but the next day an event occurred which caused the postponement of the journey to the mountains till the following year.

It was on the 26th of June when the camp at Mount Pisgah was thrown into consternation by the cry, "The United States troops are upon us!" But soon afterwards, Captain James Allen arriving with only three dragoons, the excitement subsided. The High Council was called, and Captain Allen laid before it his business, which is set forth in the following

"*Circular to the Mormons:*

I have come among you, instructed by Col. S. F. Kearney, of the U. S. Army, now commanding the Army of the West, to visit the Mormon camp, and to accept the service for twelve months of four or five companies of Mormon men who may be willing to serve their country for that period in our present war with Mexico; this force to unite with the Army of the West at Santa Fe, and be marched thence to California, where they will be discharged.

"They will receive pay and rations, and other allowances, such as other volunteers or regular soldiers receive, from the day they shall be mustered into the service, and will be entitled to all comforts and benefits of regular soldiers of the army, and when discharged, as contemplated, at California, they will be given gratis their arms and accoutrements, with which they will be fully equipped at Fort Leavenworth. This is offered to the Mormon people now. This year an opportunity of sending a portion of their young and intelligent men to the ultimate destination of their whole people, and entirely at the expense of the United

States, and this advanced party can thus pave the way and look out the land for their brethren to come after them.

"Those of the Mormons who are desirous of serving their country on the conditions here enumerated, are requested to meet me without delay at their principal camp at the Council Bluffs, whither I am now going to consult with their principal men, and to receive and organize the force contemplated to be raised.

"I will receive all healthy, able-bodied men of from eighteen to forty-five years of age.

J. ALLEN, *Capt. 1st Dragoons.*

"*Camp of the Mormons at Mount Pisgah, 138 miles east of Council Bluffs, June 26th, 1846.*

"NOTE.—I hope to complete the organization of this battalion in six days after my reaching Council Bluffs, or within nine days from this time."

The High Council of Mount Pisgah treated the military envoy with studied courtesy, but the matter was of too great importance for even an opinion to be hazarded in the absence of the master mind; so Captain Allen was furnished with a letter of introduction to Brigham Young and the authorities at headquarters, and a special messenger was dispatched by Apostle Woodruff to prepare the President for the business of the government agent.

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## CHAPTER III.

THE CALL FOR THE MORMON BATTALION. INTERVIEWS WITH PRESIDENT POLK. THE APOSTLES ENLISTING SOLDIERS FROM THEIR PEOPLE FOR THE SERVICE OF THE NATION. THE BATTALION ON THE MARCH.

We now come to a subject in Mormon history of which two opposite views have been taken, neither of which, perhaps, are unqualifiedly correct. It is that of the calling of a Mormon battalion to serve the nation in its war with Mexico, as set forth in the circular already given. One view is that the Government, prompted by such men as Senator Benton of Missouri, sought to destroy, or at least to cripple the Mormons, by taking from them five hundred of their best men, in an Indian country, and in their exodus; while the other view is that the Government designed their good and honor. The truth is that a few honorable gentlemen like Colonel Thomas L. Kane did so design; but it is equally true that the great majority heartily wished for their utter extinction; while Senator Douglass and many other politicians, seeing in this vast migration of the Mormons towards the Pacific the ready and most efficient means to wrest California from Mexico, favored the calling of the battalion for national conquest, without caring what afterwards became of those heroic men who left their families and

people in the "wilderness," or whether those families perished by the way or not. Moreover, the Mormon leaders are in possession of what appears to be very positive evidence that, after President Polk issued the "call," Senator Thomas Benton obtained from him the pledge that, should the Mormons refuse to respond, United States troops should pursue, cut off their route, and disperse them. Such a covenant was villainous beyond expression; for, to have dispersed the Mormon pilgrims at that moment would have been to have devoted a whole people to the cruelest martyrdom.

In any view of the case, it shows that the Mormons were an essentially loyal and patriotic people; and, if we take the darkest view, which be it emphatically affirmed was the one of that hour, then does the masterly policy of Brigham Young, and the conduct of the Mormons, stand out sublime and far-seeing beyond most of the examples of history. The reader has noted Mr. Brannan's letter, received by the leaders before starting on their journey; they looked upon this "call" for, from five hundred to a thousand, of the flower of their camps as the fulfillment of the "threat." The excuse to annihilate them they believed was sought; even the General Government dared not disperse and disarm them without an excuse. At the best an extraordinary test of their loyalty was asked of them, under circumstances that would have required the thrice hardening of a Pharaoh's heart to have exacted.

Here it will only be just to both sides to give Colonel Kane's statement, in his historical discourse on the Mormons, delivered before the Historical Society of Pennsylvania, as that gentleman sustained in the case very much the character of a special agent of the Administration to the Mormons. He said:

"At the commencement of the Mexican war, the President considered it desirable to march a body of reliable infantry to California, at as early a period as practicable, and the known hardihood and habits of discipline of the Mormons were supposed peculiarly to fit them for this service. As California was supposed also to be their ultimate destination, the long march might cost them less than other citizens. They were accordingly invited to furnish a battalion of volunteers early in the month of July.

"The call could hardly have been more inconveniently timed. The young and those who could best have been spared, were then away from the main body, either with pioneer companies in the van, or, their faith unannouuced, seeking work and food about the north-western settlements, to support them till the return of the season for commencing emigration. The force was, therefore, to be recruited from among the fathers of families, and others, whose presence it was most desirable to retain.

"There were some, too, who could not view the invitation without distrust; they had twice been persuaded by Government authorities in Illinois and Missouri, to give up their arms on some special appeals to their patriotic confidence, and had then been left to the malice of their enemies. And now they were asked, tn the midst of the Indian country, to surrender over five hundred of their best men for a war march of thousands of miles to California, without the hope of return till after the conquest of that country. Could they view such a proposition with favor?

"But the feeling of country triumphed; the Union had never wronged them. 'You shall have your battalion at once, if it has to be a class of elders,' said one, himself a ruling elder. A central mass-meeting for council, some harangues at the more remotely scattered camps, an American flag brought out from the storehouse of things rescued, and hoisted to the top of a tree-mast, and, in three days, the force was reported, mustered, organized and ready to march."

The foregoing is a graphic summary, but the reader will ask for something more of detail of this one of the chief episodes of the Pioneer history.

On the first of July Captain Allen was in council at the Bluffs with Brigham Young, Heber C. Kimball, Orson Hyde, Orson Pratt, Willard Richards, George A. Smith, John Taylor, John Smith and Levi Richards. At head-quarters they had not nearly sufficient force to raise the battalion. Yet they lost not a moment. In the character of recruiting sergeants Brigham, Heber and Willard at once set out for Mount Pisgah, a distance of 130 miles, on the back track. Here they met Elder Jesse C. Little, home from Washington, having had interviews with President Polk and other members of the Government. A condensation of Elder Little's report will, at least, give to the public the original plan of the Government in the call of the battalion:

"*To President Brigham Young and the Council of the Twelve Apostles:*

"*Brethren:* In your letter of appointment to me dated Temple of God, Nauvoo, January 26th, 1846, you suggested, 'If our Government should offer facilities for emigrating to the western coast, embrace those facilities if possible. As a wise and faithful man, take every honorable advantage of the times you can. Be thou a savior and deliverer of the people, and let virtue, integrity and truth be your motto—salvation and glory the prize for which you contend.' In accordance with my instructions, I felt an anxious desire for the deliverance of the Saints, and resolved upon visiting James K. Polk, President of the United States, to lay the situation of my persecuted brethren before him, and ask him, as the representative of our country, to stretch forth the Federal arm in their behalf. Accordingly, I called upon Governor Steele, of New Hampshire, with whom I had been acquainted from my youth, and other philanthropic gentlemen to obtain letters of recommendation to the heads of the departments."

Governor Steele gave to Elder Little a letter of introduction to Mr. Bancroft, Secretary of the Navy, in which the Governor said:

"Mr. Little visits Washington, if I understand it correctly, for the purpose of procuring, or endeavoring to procure, the freight of any provisions or naval stores which the Government may be desirous of sending to Oregon, or to any portion of the Pacific. He is thus desirous of obtaining freight for the purpose of lessening the expense of chartering vessels to convey him and his followers to California, where they intend going and making a permanent settlement the present summer.

Yours truly,
JOHN STEELE."

From Colonel Thomas L. Kane, Elder Little received a letter of introduc-

tion to the Hon. George M. Dallas, Vice-President of the United States, in which the writer said:

"This gentleman visits Washington, with no other object than the laudable one of desiring aid of Government for his people, who, forced by persecution to found a new commonwealth in the Sacramento Valley, still retain American hearts, and would not willingly sell themselves to the foreigner, or forget the old commonwealth they leave behind."

Armed with these and other letters, Mr. Little started to Washington from Philadelphia, where he had enlisted, for his afflicted people, the zealous friendship of the patriotic brother of the great Arctic explorer; and, soon after his arrival at the capital, he obtained an introduction to President Polk, through Ex-Postmaster-General Amos Kendall. The Elder was favorably received by Mr. Polk, which emboldened him to address a formal petition to the President, which he closed as follows:

"From twelve to fifteen thousand Mormons have already left Nauvoo for California, and many others are making ready to go; some have gone around Cape Horn, and I trust, before this time, have landed at the Bay of San Francisco. We have about forty thousand in the British Isles, all determined to gather to this land, and thousands will sail this fall. There are also many thousands scattered through the States, besides the great number in and around Nauvoo, who will go to California as soon as possible, but many of them are destitute of money to pay their passage either by sea or land.

"We are true-hearted Americans, true to our native country, true to its laws, true to its glorious institutions; and we have a desire to go under the outstretched wings of the American Eagle; we would disdain to receive assistance from a foreign power, although it should be proffered, unless our Government should turn us off in this great crisis, and compel us to be foreigners.

"If you will assist us in this crisis, I hereby pledge my honor, as the representative of this people, that the whole body will stand ready at your call, and act as one man in the land to which we are going; and should our Territory be invaded, we will hold ourselves ready to enter the field of battle, and then, like our patriotic fathers, make the battle-field our grave, or gain our liberty."

There were present at the first interview between the Mormon Elder and the President of the United States, Gen. Sam. Houston, just from Texas, upon Mexican affairs, and other distinguished men. A singular circumstance in American history is here connected; for at that important juncture in the history of our nation, as well as the Mormons, Washington was thrown into great excitement by the news that General Taylor had fought two battles with the Mexicans. This important event was directly bearing on the affairs of the Mormons, as much as upon those of the nation at large. The news of the actual commencement of the war between the two rival republics came in the very nick of time. Had Elder Little arrived in Washington six months before, or six months later, there would have been a marked variation from that which came to pass. We know not what the exact difference would have been, but it is most certain that President Polk would not then have designed to possess California by the help of these State-

founding Saints, nor would their shovels have turned up the gold at Sutter's Mill, nor would General Stephen F. Kearney have had at his back the Mormon Battalion as his chief force, when he made himself master of the land of precious metals, and put his rival, Fremont, under arrest.

The day after his first interview with President Polk, Elder Little called again upon ex-Postmaster-General Kendall, who informed him that the President had determined to take possession of California; that he designed to use the Mormons for this purpose, and that they would receive orders to push through to fortify the country. This induced the Elder to address the petition already quoted.

The President now laid the matter before the Cabinet. The plan offered to his colleagues was for the Elder to go direct to the Mormon camp, to raise from among them "one thousand picked men, to make a dash into California and take possession of it in the name of the United States." The Battalion was to be officered by their own men, excepting the commanding officer, who was to be appointed by President Polk, and to take cannon and everything necessary for the defence of the country. One thousand more of the Mormons from the Eastern States were proposed to be sent by way of Cape Horn, in a U. S. transport, for the same service. This was the original plan which President Polk laid before his Cabinet.

After this Elder Little had his second interview with President Polk, who told the Elder that he "had no prejudices against the Saints, but that he believed them to be good citizens;" that he "was willing to do them all the good in his power consistently;" that "they should be protected;" and that he had "read the petition with interest." He further emphatically observed that he had "confidence in the Mormons as true American citizens, or he would not make such propositions as those he designed." This interview lasted three hours, so filled was the President with his plan of possessing California by the aid of the Mormons. But this generous design was afterwards changed through the influence of Senator Benton.

Before his departure west, Elder Little had another special interview with the President, who further said that he had "received the Mormon suffrages," that "they should be remembered;" and that he had "instructed the Secretary of War to make out dispatches to Colonel Kearney, commander of the Army of the West, relative to the Mormon Battalion."

On the 12th of June, Elder Little, in company with Colonel Thomas L. Kane, started for the West, the Colonel bearing special dispatches from the Government to General Kearney, who was at Fort Leavenworth. Judge Kane journeyed with his son as far as St. Louis.

The following is the order under which the Battalion was mustered into service:

"Headquarters, Army of the West,
FORT LEAVENWORTH, June 19, 1846.

"*Sir:* It is understood that there is a large body of Mormons who are desirous of emigrating to California, for the purpose of settling in that country, and I have therefore to direct that you will proceed to their camps and endeavor

to raise from amongst them four or five companies of volunteers, to join me in my expedition to that country, each company to consist of any number between 73 and 109, the officers of each company will be a captain, first lieutenant, and second lieutenant, who will be elected by the privates, and subject to your approval, and the captains then to appoint the non-commissioned officers, also subject to your approval. The companies, upon being thus organized, will be mustered by you into the service of the United States, and from that day will commence to receive the pay, rations, and other allowances given to the other infantry volunteers, each according to his rank. You will, upon mustering into service the fourth company, be considered as having the rank, pay, and emoluments of a lieutenant-colonel of infantry, and are authorized to appoint an adjutant, sergeant-major, and quartermaster-sergeant for the battalion.

"The companies, after being organized, will be marched to this post, where they will be armed and prepared for the field, after which they will, under your command, follow on my trail in the direction of Santa Fe, and where you will receive further orders from me.

"You will, upon organizing the companies, require provisions, wagons, horses, mules, etc. You must purchase everything that is necessary, and give the necessary drafts upon the quartermaster and commissary departments at this post, which drafts will be paid upon presentation.

"You will have the Mormons distinctly to understand that I wish to have them as volunteers for twelve months; that they will be marched to California, receiving pay and allowances during the above time, and at its expiration they will be discharged; and allowed to retain, as their private property, the guns and accoutrements furnished to them at this post.

"Each company will be allowed four women as laundresses, who will travel with the company, receiving rations and other allowances given to the laundresses of our army.

"With the foregoing conditions, which are hereby pledged to the Mormons, and which will be faithfully kept by me and other officers in behalf of the Government of the United States, I cannot doubt but that you will in a few days be able to raise five hundred young and efficient men for this expedition.

"Very respectfully your obedient servant,

(Signed) S. F. KEARNEY, *Col. of First Dragoons.*

Per Capt. James Allen, First. Reg. Dragoons, Fort Leavenworth."

The following from important documents sent from the War Office a quarter of a century later, to aid this author in his investigation of the call of the Mormon Battalion is presented here to perfect the view:

"ADJUTANT GENERAL'S OFFICE.

"*Sir:* I send herewith such papers as I have been able to find relating to the way the Mormon Battalion was received into service during the Mexican war.

Your obedient servant,

E. D. TOWNSEND, *Adjutant-General.*"

"Hon. W. L. Marcy, Secretary of War, in a letter to General Kearney, dated June 3, 1846, states that it is known that a large body of Mormon emi-

grants are *en route* to California, for the purpose of settling in that country, desires the General to use all proper means to have a good understanding with them, to the end that the United States may have their co-operation in taking possession of and holding the country; authorizes the General to muster into service such as can be induced to volunteer, not, however, to a number exceeding one-third of his entire force. Should they enter the service they were to be paid as other volunteers; to be allowed to designate, as far as it could be properly done, the persons to act as officers.

"This appears to be the authority under which General Kearney mustered the Mormon Battalion into service.

"The command was mustered out of service in California, in 1847, and one company was again mustered in immediately after to serve for twelve months. This company was mustered out in 1848 at San Diego."

The other document of this Battalion history, furnished by the Adjutant-General, is General Kearney's order under which the Battalion was mustered into service.

It will be seen from the above abstract of Secretary Marcy's letter to General Kearney, that there exists in the War Office to-day positive proof that the United States did design to colonize California by the aid of the Mormons. Extraordinary was the wording, that the United States Government "desires the General to use all proper means to have a good understanding with them, *to the end that the United States may have their co-operation in taking possession of and holding the country.*"

We return to the Pioneer narrative:

It will be remembered that Brigham Young, while believing the Battalion call to be a test of loyalty, hastened with Heber C. Kimball and Willard Richards to Mount Pisgah, 130 miles, to execute the "demand," as they deemed it, for a battalion of their picked men to serve their country. They immediately sent messengers, with official dispatches from their High Council to Nauvoo, Garden Grove, and the regions around, calling to headquarters their old men and able-bodied boys to supply the place of their picked men going for the service of their country.

Returning to Council Bluffs, the Twelve gathered the "Camp of Israel" to enrol the companies of volunteers. While Major Hunt, of the volunteers, was calling out the first company, Brigham Young conversed with Colonel Kane in Woodruff's carriage about the affairs of the nation, and told him the time would come when the Mormons would "have to save the Government of the United States, or it would crumble to atoms."

Forty minutes after twelve of the same day, July 15, the Elders and the people assembled in the Bowery. President Young then delivered to the congregation a simple but earnest speech, in which he told the brethren, with a touch of subdued pathos, "not to mention families to-day;" that they had "not time to reason now." "We want," he said, "to conform to the requisition made upon us, and we will do nothing else until we accomplish this thing. If we want the privilege of going where we can worship God according to the dictates of

our consciences, we must raise the Battalion. I say, it is right; and who cares for sacrificing our comfort for a few years?"

Nobly did the Mormons respond to this call of their country. The Apostles acted as recruiting sergeants; nor did they wait for their reinforcements, but moved as though they intended to apply their leader's closing sentence literally; he said: "After we get through talking, we will call out the companies; and if there are not young men enough we will take the old men, and if they are not enough we will take the women. I want to say to every man, the Constitution of the United States, as framed by our fathers, was dictated, was revealed, was put into their hearts by the Almighty, who sits enthroned in the midst of the heavens; although unknown to them it was dictated by the revelations of Jesus Christ, and I tell you, in the name of Jesus Christ, it is as good as ever I could ask for. I say unto you, magnify the laws. There is no law in the United States, or in the Constitution, but I am ready to make honorable."

"There was no sentimental affectation at their leave-taking," said Thomas L. Kane, in relating the story to the Historical Society of Pennsylvania. "The afternoon before their march was devoted to a farewell ball; and a more merry rout I have never seen, though the company went without refreshments, and their ball was of the most primitive. It was the custom, whenever the larger camps rested for a few days together, to make great arbors, or boweries, as they called them, of poles, and brush, and wattling, as places of shelter for their meetings of devotion or conference. In one of these, where the ground had been trodden firm and hard by the worshippers, of the popular Father Taylor's precinct, was gathered now the mirth and beauty of the Mormon Israel.

"If anything told that the Mormons had been bred to other lives, it was the appearance of the women as they assembled here. Before their flight they had sold their watches and trinkets as the most available recourse for raising ready money; and hence like their partners, who wore waistcoats cut with useless watch pockets, they, although their ears were pierced and bore the marks of rejected pendants, were without earrings, chains or broaches. Except such ornaments, however, they lacked nothing most becoming the attire of decorous maidens. The neatly-darned white stockings, and clean white petticoat, the clear-starched collar and chemisette, the something faded, only because too-well washed lawn or gingham gown, that fitted modishly to the waist of its pretty wearer—these, if any of them spoke of poverty, spoke of a poverty that had known better days.

"With the rest attended the elders of the Church within call, including nearly all the chiefs of the High Council, with their wives and children. They, the bravest and most trouble-worn, seemed the most anxious of any to throw off the burden of heavy thoughts. Their leading off the dance in a double cotillion was the signal which bade the festivity to commence. To the canto of debonnair violins, the cheer of horns, the jingle of sleigh bells, and the jovial snoring of the tambourines, they did dance! None of your minuets or other mortuary possessions of gentles in etiquette, tight shoes and pinching gloves, but the spirited and scientific displays of our venerated and merry grandparents, who were not above following the fiddle to the lively fox-chase, French fours, Copenhagen jigs,

Virginia reels, and the like forgotten figures, executed with the spirit of people too happy to be slow, or bashful, or constrained. Light hearts, lithe figures, and light feet had it their own way from an early hour till after the sun had dipped behind the sharp sky-line of the Omaha hills. Silence was then called, and a well-cultivated mezzo-soprano voice, belonging to a young lady with fair face and dark eyes, gave with quartette acccompaniment, a little song, the notes of which I have been unsuccessful in repeated efforts to obtain since—a version of the text touching to all earthly wanderers:

"By the rivers of Babylon we sat down and wept;
We wept when we remembered Zion.

"There was danger of some expression of feeling when the song was over, for it had begun to draw tears, but, breaking the quiet with his hard voice, an elder asked the blessing of heaven on all who, with purity of heart and brotherhood of spirit, had mingled in that society, and then all dispersed, hastening to cover from the falling dews."

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## CHAPTER IV.

THE MORMONS SETTLE ON INDIAN LANDS. A GRAND COUNCIL HELD BETWEEN THE ELDERS AND INDIAN CHIEFS. A COVENANT IS MADE BETWEEN THEM, AND LAND GRANTED BY THE INDIANS TO THEIR MORMON BROTHERS. CHARACTERISTIC SPEECHES OF FAMOUS INDIAN CHIEFS. WINTER QUARTERS ORGANIZED. THE JOURNEY OF THE PIONEERS TO THE ROCKY MOUNTAINS.

With the departure of the Battalion, the flower of their strength, vanished all expectation of going to the Rocky Mountains that year, and the elders immediately set to work to locate and build their winter quarters. Ever exact to the organic genius of their community, their first business was to organize the High Council of a "Traveling Stake of Zion." This was done at Council Bluffs, July 21st, with Father Morley at the head of an incorporated council of twelve high priests.

The Indians welcomed their "Mormon brothers" with a touch of dramatic pathos. "They would have been pleased," said Colonel Kane, "with any whites who would not cheat them, nor sell them whiskey, nor whip them for their poor gipsy habits, nor bear themselves indecently toward their women, many of whom among the Pottowatomies, especially those of nearly unmixed French descent, are singularly comely, and some of them educated. But all Indians have something like a sentiment of reverence for the insane, and admire those who sacrifice, without apparent motive, their worldly welfare to the triumph of an idea. They understand the meaning of what they call a great vow, and think it is the duty of the right-minded to lighten the votary's penance under it.

To this feeling they united the sympathy of fellow sufferers for those who could talk to them of their own Illinois, and tell the story how from it they also had been ruthlessly expelled.

"Their hospitality was sincere, almost delicate. Fanny Le Clerc, the spoiled child of the great brave, Pied Riche, interpreter of the nation, would have the pale face, Miss Divine, learn duets with her to the guitar; and the daughter of substantial Joseph La Framboise, the interpreter of the United States (she died of the fever that summer) welcomed all the nicest young Mormon Kitties and Lizzies and Jennies and Susans, to a coffee feast at her father's house, which was probably the best cabin in the river village. They made the Mormons at home there and elsewhere. Upon all they formally gave them leave to tarry just so long as it suited their own good pleasure.

"The affair, of course, furnished material for a solemn council. Under the auspices of an officer of the United States, their chiefs were summoned, in the form befitting great occasions, to meet in the dirty yard of one Mr. P. A. Sarpy's log trading house, at their village; they came in grand toilet, moving in their fantastic attire with so much aplomb and genteel measure, that the stranger found it difficult not to believe them high-born gentlemen attending a costumed ball.

When the red men had indulged to satiety in tobacco smoke from their peace pipes, and in what they love still better, their peculiar metaphoric rodomontade, which, beginning with celestial bodies, and coursing downwards over the grandest sublunary objects, always managed to alight at last on their great Father Polk, and the tenderness of him for his affectionate colored children; all the solemn funny fellows present, who played the part of chiefs, signed formal articles of convention with their unpronounceable names.

"The renowned chief, Pied Riche (he was surnamed Le Clerc on account of his remarkable scholarship) then rose and said:

"'*My Mormon Brethren:* The Pottowatomie came sad and tired into this unhealthy Missouri bottom, not many years back, when he was taken from his beautiful country beyond the Mississippi, which had abundant game and timber, and clear water everywhere. Now you are driven away the same from your lodges and your lands there, and the graves of your people. So we have both suffered. We must keep one another and the Great Spirit will keep us both. You are now free to cut and use all the wood you may wish. You can make your improvements and live on any part of our actual land not occupied by us. Because one suffers and does not deserve it, it is no reason he should suffer always. I say, we may live to see all right yet. However, if we do not, our children will. Bon jour!'"

And thus ended the pageant. But the Mormons had most to do with the Omaha Indians, for they located their camps on both the east and west sides of the Missouri River. Winter Quarters proper was on the west side, five miles above the Omaha of to-day. There, on a pretty plateau, overlooking the river, they built, in a few months, over seven hundred houses, neatly laid out with highways and by-ways, and fortified with breastwork, stockade, and block-houses. It had, too, its place of worship, "tabernacle of the congregation;" for in everythig they

did they kept up the character of the modern Israel. The industrial character of the people also typed itself on their city in the wilderness, which sprang up as by magic, for it could boast of large workshops, and mills and factories provided with water power. They styled it a "Stake of Zion." It was the principal stake, too; several others, such as Garden Grove and Mount Pisgah having already been established on the route.

The settlement of headquarters brought the Mormons into peculiar relationship with the Omahas. A grand council was also held between their chiefs and the Elders. Big Elk made a characteristic speech for the occasion, yet not so distinguished in its Indian eloquence as that of Le Clerc. Big Elk said, in response to President Young:

"My son, thou hast spoken well. I have all thou hast said in my heart. I have much I want to say. We are poor. When we go to hunt game in one place, we meet an enemy, and so in another place our enemies kill us. We do not kill them. I hope we will be friends. You may stay on these lands two years or more. Our young men may watch your cattle. We would be glad to have you trade with us. We will warn you of danger from other Indians."

The council closed with an excellent feeling; the pauper Omahas were treated to a feast, very gracious even to the princely appetite of Big Elk; and then they returned to their wigwams, satisfied for the time with the dispensation of the Great Spirit, who had sent their "Mormon brethren" into their country to care for and protect them from their enemies—the warlike Sioux.

The Omahas were ready to solicit as a favor the residence of white protectors among them. The Mormons harvested and stored away for them their crops of maize; with all their own poverty they spared them food enough besides, from time to time, to save them from absolutely starving; and their entrenched camp to the north of the Omaha villages, served as a sort of a breakwater between them and the destroying rush of the Sioux.

But the Mormons were as careful in their settlement on the Indian lands as they had been in the Battalion case, to make their conduct irreproachable in the eyes of the General Government, and to do nothing, even in their direst necessities, that would not force the sanction of the nation. They were, therefore, particular in obtaining covenants from the Indians and forwarding them to the President of the United States. Here is the covenant of the Omahas:

"West Side of the Missouri River,
Near Council Bluffs, August 31, 1846.

"We, the undersigned chiefs and braves, representatives of the Omaha nation of Indians, do hereby grant to the Mormon people the privilege of tarrying upon our lands for two years or more, or as long as may suit their convenience for the purpose of making the necessary preparations to prosecute their journey west of the Rocky Mountains, provided that our great father, the President of the United States, shall not counsel us to the contrary.

And we also do grant unto them the privilege of using all the wood and timber they shall require.

And furthermore agree that we will not molest or take from them their cattle, horses, sheep, or any other property.

BIG ELK, his x mark,
STANDING ELK, his x mark,
LITTLE CHIEF, his x mark."

On this matter Brigham Young wrote to the President in behalf of his people:

Near Council Bluffs, Butler's Park,
Omaha Nation, Sept. 7, 1846.

"*Sir:* Since our communication of the 9th ult. to Your Excellency, the Omaha Indians have returned from their Summer hunt. and we have had an interview in general council with their chiefs and braves, who expressed a willingness that we should tarry on their lands, and use what wood and timber would be necessary for our convenience, while we were preparing to prosecute our journey, as may be seen by a duplicate of theirs to us of the 21st of August, which will be presented by Col. Kane.

"In council they were much more specific than in their writings, and Big Elk, in behalf of his nation requested us to lend them teams to draw their corn at harvest, and help keep it after it was deposited, to assist them in building houses, making fields, doing some blacksmithing, etc., and to teach some of their young men to do the same, and also keep some goods, and trade with them while we tarried among them.

We responded to all their wishes in the same spirit of kindness manifested by them, and told them we would do them all the good we could, with the same proviso they made—if the President is willing; and this is why we write.

Hitherto we have kept aloof from all intercourse except in councils, as referred to, and giving them a few beeves when hungry, but we have the means of doing them a favor by instructing them in agricultural and mechanical arts, if it is desirable.

It might subject us to some inconvenience in our impoverished situation, to procure goods for their accommodation, and yet, if we can do it, we might receive in return as many skins and furs as would prove a valuable temporary substitute for worn-out clothing and tents in our camp, which would be no small blessing.

"A small division of our camp is some two or three hundred miles west of this, on the rush bottoms, among the Puncaws, where similar feelings are manifested towards our people.

"Should Your Excellency consider the requests of the Indians for instruction, etc., reasonable, and signifying the same to us, we will give them all the information in mechanism and farming the nature of the case will admit, which will give us the opportunity of getting the assistance of their men to help us herd and labor, which we have much needed since the organization of the Battalion.

"A license, giving us permission to trade with the Indians while we are tarrying on or passing through their lands, made out in the name of Newel K. Whitney, our agent in camp, would be a favor to our people and our red neigh-

bors. All of which is submitted to Your Excellency's consideration and the confidence of Colonel Kane.

"Done in behalf of the council of the Church of Jesus Christ of Latter-day Saints, at the time and place before mentioned, and Camp of Israel.

Most respectfully,

BRIGHAM YOUNG, *President*,
WILLARD RICHARDS, *Clerk*."

"*To James K. Polk, President U. S.*"

Out of an absolute destitution, and in spite of their expulsion, the Mormons had flourished and increased in the wilderness, so that at the end of the year 1846, Winter Quarters had grown into twenty-two wards, with a bishop over each.

As the spring opened, they began to prepare for their journey to the mountains, which at that day was almost appalling to the imagination. They had still over a thousand miles to the valley of the Salt Lake, and so little was known of the country any more than its name implied—the Great American Desert—that the Mormons could not look forward to much of a land of promise to repay them for all the past. Yet sang their poet, Eliza R. Snow, who has ever on their great occasions fired them with her Hebraic inspiration:

"The time of winter now is o'er,
There's verdure on the plain;
We leave our shelt'ring roofs once more,
And to our tents again.

CHORUS:—O Camp of Israel, onward move,
O, Jacob, rise and sing;
Ye Saints the world's salvation prove,
All hail to Zion's King!"

The pioneer song (as it was called) was, like their journey, quite lengthy. But the pioneers sang it with a will. It told them of their past; told them in exultation, that they were leaving the "mobbing Gentile race, who thirsted for their blood, to rest in Jacob's hiding place," and it told of the future, in prophetic strains.

The word and will of the Lord concerning the Camp of Israel in its journeyings to the West, was published from head-quarters, on the 14th of January, 1847. As it is the first *written* revelation ever sent out to the Church by President Young, the following passages from it will be read with interest:

"Let all the people of the Church of Jesus Christ of Lattter-day Saints and those who journey with them, be organized into companies, with a covenant and promise to keep all the commandments and statutes of the Lord our God. Let the companies be organized with captains of hundreds, and captains of fifties, and captains of tens, with a president and councilor at their head, under the direction of the Twelve Apostles; and this shall be our covenant, that we will walk in all the ordinances of the Lord.

"Let each company provide itself with all the teams, wagons, provisions and all other necessaries for the journey that they can. When the companies are organized, let them go to with all their might, to prepare for those who are to

tarry. Let each company, with their captains and presidents, decide how many can go next spring; then choose out a sufficient number of able-bodied and expert men to take teams, seed, and farming utensils to go as pioneers to prepare for putting in the spring crops. Let each company bear an equal proportion, according to the dividend of their property, in taking the poor, the widows, and the fatherless, and the families of those who have gone with the army, that the cries of the widow and the fatherless come not up into the ears of the Lord against his people.

"Let each company prepare houses, and fields for raising corn for those who are to remain behind this season; and this is the will of the Lord concerning this people."

"Let every man use all his influence and property to remove this people to the place where the Lord shall locate a Stake of Zion; and if ye do this with a pure heart, with all faithfulness, ye shall be blessed in your flocks, and in your herds, and in your fields, and in your houses, and in your families." * *

On the 7th of April, 1847, the day after the general conference, the pioneers started from Winter Quarters.

As soon as they got fairly on the journey, they were organized as a military body, into companies of hundreds, fifties and tens. The following order of the officers will illustrate:

Brigham Young, Lieutenant-General; Stephen Markham, Colonel; John Pack, 1st Major; Shadrach Roundy, 2d Major; Captains of hundreds, Stephen Markham and A. P. Rockwood.

Captain of Company 1, Wilford Woodruff; Company 2, Ezra T. Benson; Company 3, Phineas H. Young; Company 4, Luke Johnson; Company 5, Stephen H. Goddard; Company 6, Charles Shumway; Company 7, James Case: Company 8, Seth Taft; Company 9, Howard Egan; Company 10, Appleton M. Harmon; Company 11, John Higbie; Company 12, Norton Jacobs; Company 13, John Brown; Company 14, Joseph Mathews.

The camp consisted of 73 wagons; 143 men, 3 women and 2 children—148 souls.

Nothing could better illustrate the perfection of Mormon organization than this example of the pioneers, for they were apostles and picked elders of minute companies, and under strict discipline.

Lieutenant-General Young issued general orders to the regiment. The men were ordered to travel in a compact body, being in an Indian country; every man to carry his gun loaded, the locks to be shut on a piece of buckskin, with caps ready in case of attack; flint locks, with cotton and powder flask handy, and every man to walk by the side of his wagon, under orders not to leave it, unless sent by the officer in command, and the wagons to be formed two abreast, where practicable, on the march. At the call of the bugle in the morning, at five o'clock, the pioneers were to arise, assemble for prayers, get breakfast, and be ready to start at the second call of the bugle at seven. At night, at half-past eight, at the command from the bugle, each was to retire for prayer in his own wagon, and to bed at nine o'clock. Tents were to be pitched on Saturday nights and the Sabbath kept.

The course of the pioneers was up the north bank of the Platte, along which they traveled slowly. They crossed Elk Horn on a raft, forded the Loup Fork with considerable danger in consequence of the quicksands, and reached Grand Island about the 1st of May.

This was the day on which the pioneers had their first buffalo hunt. There was much exciting interest in the scenery for scarcely one of the hunters had chased a buffalo before. They killed four cows, three bulls, and five calves.

While on a hunt, several days after, the hunters were called in, a party of four hundred Indian warriors near by having shown signs of an attack. The Indians had previously been threatening, and were setting fire to the prairie on the north side of the Platte. The pioneers fired their cannon twice to warn the Indians that they were on the watch.

A council was now held to consider whether or not it were wise to cross the river and strike the old road to Laramie, there being good grass on that side, while the Indians were burning it on the north. In view, however, of the thousands who would follow in their track, it was concluded to continue as before, braving the Indians and the burning prairies; for, said the pioneers:

"A new road will thus be made, which shall stand as a permament route for the Saints."

Thus the pioneers broke a new road across the plains, over which tens of thousands of their people have since traveled, and which was famous as the "old Mormon road," till the railway came to blot almost from memory the toils and dangers of a journey of more than a thousand miles, by ox teams, to the valleys of Utah. (It is a curious fact that for several hundred miles the grade of the great trans-continental railway is made exactly upon the old Mormon road).

The pioneers were wary. Colonel Markham drilled his men in good military style, and the cannon was put on wheels.

William Clayton, formerly the scribe of the Prophet, and, in the pioneer journey, scribe to President Young, and Willard Richards, the Church historian, invented a machine to measure the distance.

General Young himself marked the entire route, going in advance daily with his staff. This service was deemed most important, as their emigrations would follow almost in the very footprints of the pioneers.

Those were days for the buffalo hunt, scarcely to be imagined, when crossing the plains a quarter of a century later. Some days they saw as many as fifty thousand buffalo.

They came to the hunting ground of the Sioux, where, a few days before, five hundred lodges had stood. Nearly a thousand warriors had encamped there. They had been on a hunting expedition. Acres of ground were covered with buffalo wool and other remains of the slaughter. No wonder the Indian of the plains bemoans his hunting grounds, now lost to him forever.

Several days later there were again fears of an Indian attack, and the cannon was got ready.

The pioneers were within view of Chimney rock on Sunday, the 23d of May. Here they held their usual Sabbath service.

On the first of June they were opposite Laramie. Here they were joined by a small company of Mormons from Mississippi, who had been at Pueblo during the winter. They reported news of a detachment of the battalion at Pueblo that expected to start for Laramie about the first of June, and follow the pioneer track. This addition to the camp consisted of a brother Crow and his family (fourteen souls, with seven wagons).

The next day President Young and others visited Fort Laramie, then occupied by thirty-eight persons, mostly French, who had married the Sioux.

Mr. Burdow, the principal man at the Fort, was a Frenchman. He cordially received General Young and his staff, invited them into his sitting-room, gave them information of the route, and furnished them with a flat-bottom boat on reasonable terms, to assist them in ferrying the Platte. Ex-Governor Boggs, who had recently passed with his company, had said much against the Mormons, cautioning Mr. Burdow to take care of his horses and cattle. Boggs and his company were quarreling, many having deserted him; so Burdow told the ex-Governor that, let the Mormons be what they might, they could not be worse than himself and his men.

It is not a little singular that this exterminating Governor of Missouri should have been crossing the Plains at the same time with the Pioneers. They were going to carve out for their people a greater destiny than they could have reached either in Missouri or Illinois—he to pass away, leaving nothing but a transitory name.

It was decided to send Amasa Lyman, with several other brethren, to Pueblo, to meet the detachment of the Battalion, and hurry them on to Laramie to follow the track.

At the old Fort they set up blacksmith shops, and did some necessary work for the camp. Then commenced the ascent of the Black Hills, on the 4th of June.

Fifteen miles from Laramie, at the Springs, a company of Missouri emigrants came up. The pioneers kept the Sabbath the next day; the Missourians journeyed. Another company of Missourians appeared and passed on.

A party of traders, direct from Santa Fe, overtook the Pioneers, and gave information of the detachment of the battalion, at Santa Fe, under Captain Brown.

The two Missouri companies kept up a warfare between themselves on the route. They were a suggestive example to the Mormons. After they had traveled near each other for a week, on the Sunday following, President Young made this the subject of his discourse. He said of the two Missourian companies:

"They curse, swear, rip and tear, and are trying to swallow up the earth; but though they do not wish us to have a place on it, the earth might as well open and swallow them up; for they will go to the land of forgetfulness, while the Saints; though they suffer some privations here, if faithful, will ultimately inherit the earth, and increase in power, dominion and glory."

General Young called together the officers, to consult on a plan for crossing the river. He directed them to go immediately to the mountains with teams, to get poles. They were then to lash from two to four wagons abreast, to keep them

from turning over, and float them across the river with boats and ropes; so a company of horsemen started to the mountains with teams.

The "brethren" had previously ferried over the Missourians, who paid them $1.50 for each wagon and load, and paid it in flour at $2.50; yet flour was worth ten dollars per cwt., at least, at that point. They divided their earnings among the camp equally. It amounted to five and a half pounds of flour each, two pounds of meal, and a small piece of bacon.

"It looked," says Wilford Woodruff, "as much of a miracle to me to see our flour and meal bags replenished in the Black Hills as it did to have the Children of Israel fed with manna in the wilderness. But the Lord had been truly with us on our journey, and had wonderfully preserved and blessed us."

These little stores of flour were supposed to have saved the lives of some of the pioneers, for they were by this time entirely destitute of the "staff of life."

The pioneers were seven days crossing the river at this point. While here they established a ferry, and selected nine men to leave in charge of it, with instructions to divide the means accumulated equally, to be careful of the lives and property of those they ferried, to "forget not their prayers," and "to come on with the next company of Saints."

They reached Independence Rock on the 21st of June, and the South Pass on the 26th.

Several days later they met Major Harris, who had traveled through Oregon and California for twenty-five years. He spoke unfavorably of the Salt Lake country for a settlement.

Next day Col. Bridger came up. He desired to go into council with the Mormon leaders. The apostles held the council with the colonel. He spoke more favorably of the great basin; but thought it not prudent to continue emigration there until they ascertained whether grain would grow there or not. He said he would give a thousand dollars for the first bushel of wheat raised in the valley of the Salt Lake.

At Green River they were met by Elder Samuel Brannan from the Bay of San Francisco. He came to give an account of the Mormon company that sailed with him in the ship *Brooklyn*. They had established themselves two hundred miles up the river, were building up a city, and he had already started a newspaper.

They were several days fording Green River. Here the pioneers kept the 4th of July.

The Mormon battalion now began to reinforce the pioneers. Thirteen of these soldiers, returning from the service of their country, joined them at Green River, and reported that a whole detachment of 140 were within seven days' drive.

As the pioneers approached the valley of the Great Salt Lake, the interest became intense. The gold-finders of California, and the founders of the Pacific States and Territories generally, had but a fever for precious metals, or were impelled westward by the migrating spirit of the American people; but these Mormon pioneers were seeking the "Pearl of Great Price," and their thoughts and

emotions, as they drew near the Salt Lake Valley were akin to those of the Pilgrim Fathers as they came in sight of Plymouth Rock.

During the last days of the journey, President Young was laid up with the "mountain fever," from which he did not fully recover till on the return trip to Winter Quarters.

After passing Bear River, a council of the whole was called, and it was resolved that Apostle Orson Pratt should take a company of about twenty wagons, with forty men, to go forward and make a road. Twenty-three wagons started the next morning. For awhile we will follow the journal of Orson Pratt:

"*July 21st*—We resumed our journey, traveled two and a half miles, and ascended a mountain for one and a half miles; descended upon the west side one mile; came upon a swift running creek, where we halted for noon: we called this *Last Creek*. Brother Erastus Snow (having overtaken our camp from the other camp, which he said was but a few miles in the rear,) and myself proceeded in advance of the camp down Last Creek four and a half miles, to where it passes through a canyon and issues into a broad open valley below. To avoid the canyon the wagons last season had passed over an exceedingly steep and dangerous hill. Mr. Snow and myself ascended this hill, from the top of which a broad open valley, about twenty miles wide and thirty long, lay stretched out before us, at the north end of which the broad waters of the Great Salt Lake glistened in the sunbeams, containing high mountainous islands from twenty-five to thirty miles in extent. After issuing from the mountains among which we had been shut up for many days, and beholding in a moment such an extensive scenery open before us, we could not refrain from a shout of joy which almost involuntarily escaped from our lips the moment this grand and lovely scenery was within our view. We immediately descended very gradually into the lower parts of the valley, and although we had but one horse between us, yet we traversed a circuit of about twelve miles before we left the valley to return to our camp, which we found encamped one and a half miles up the ravine from the valley, and three miles in advance of their noon halt. It was about nine o'clock in the evening when we got into camp. The main body of the pioneers who were in the rear were encamped only one and a half miles up the creek from us, with the exception of some wagons containing some who were sick, who were still behind.

"*July 22d.*—This morning George A. Smith and myself, accompanied by seven others, rode into the valley to explore, leaving the camp to follow on and work the road, which here required considerable labor, for we found that the canyon at the entrance of the valley, by cutting out the thick timber and underbrush, connected with some spading and digging, could be made far more preferable than the route over the steep hill mentioned above. We accordingly left a written note to that effect, and passed on. After going down into the valley about five miles, we turned our course to the north, down towards the Salt Lake. For three or four miles north we found the soil of a most excellent quality. Streams from the mountains and springs were very abundant, the water excellent, and generally with gravel bottoms. A great variety of green grass, and very luxuriant, covered the bottoms for miles where the soil was sufficiently damp, but in other places, although the soil was good, yet the grass had nearly dried up for

want of moisture. We found the drier places swarming with very large crickets, about the size of a man's thumb. This valley is surrounded with mountains, except on the north, the tops of some of the highest being covered with snow. Every one or two miles streams were emptying into it from the mountains on the east, many of which were sufficiently large to carry mills and other machinery. As we proceeded towards the Salt Lake the soil began to assume a more sterile appearance, being probably at some seasons of the year overflowed with water. We found as we proceeded on, great numbers of hot springs issuing from near the base of the mountains. These springs were highly impregnated with salt and sulphur: the temperature of some was nearly raised to the boiling point. We traveled for about fifteen miles down after coming into the valley, the latter parts of the distance the soil being unfit for agricultural purposes. We returned and found our wagons encamped in the valley, about five and one-fourth miles from where they left the canyon.

"*July 23d.*—This morning we despatched two persons to President Young, and the wagons which were still behind, informing them of our discoveries and explorations. The camp removed its position two miles to the north, where we encamped near the bank of a beautiful creek of pure cold water. This stream is sufficiently large for mill sites and other machinery. Here we called the camp together, and it fell to my lot to offer up prayer and thanksgiving in behalf of our company, all of whom had been preserved from the Missouri river to this point; and, after dedicating ourselves and the land unto the Lord, and imploring His blessings upon our labors, we appointed various committees to attend to different branches of business, preparatory to putting in crops, and in about two hours after our arrival we began to plow, and the same afternoon built a dam to irrigate the soil, which at the spot where we were plowing was exceedingly dry. Towards evening we were visited by a thunder shower from the west; not quite enough rain to lay the dust. Our two messengers returned, bringing us word that the remainder of the wagons belonging to the pioneer company were only a few miles distant, and would arrive the next day. At 3 P. M. the thermometer stood at 96°."

Returning to the main body of the Pioneers, a few simple but graphic passages from the diary of Apostle Wilford Woodruff will illustrate their entrance into the valleys of Utah better than an author's imagination.

"*July 20th.*—We started early this morning, and stopped for breakfast after a five miles' drive. I carried Brother Brigham in my carriage. The fever was still on him, but he stood the journey well. After breakfast we travelled over ten miles of the worst road of the whole journey.

"*July 21st.*—We are compelled to lay over in consequence of the sick.

"*July 22d.*—Continued our journey.

"*July 23d.*—We left East Canyon; reached the summit of the mountain, and descended six miles through a thick-timbered grove. We nooned at a beautiful spring in a small birch grove. Here we were met by Brothers Pack and Mathews from the advance camps. They brought us a dispatch. They had explored the Great Salt Lake Valley as far as possible, and made choice of a spot to put in crops.

"*July 24th.*—This is one of the most important days of my life, and in the history of the Church of Jesus Christ of Latter-day Saints.

"After traveling six miles through a deep ravine ending with the canyon, we came in full view of the valley of the Great Salt Lake; the land of promise, held in reserve by God, as a resting place for his Saints.

"We gazed in wonder and admiration upon the vast valley before us, with the waters of the Great Salt Lake glistening in the sun, mountains towering to the skies, and streams of pure water running through the beautiful valley. It was the grandest view we had ever seen till this moment. Pleasant thoughts ran through our minds at the prospect that, not many years hence, the house of God would be established in the mountains and exalted above the hills; while the valleys would be converted into orchards, vineyards, and fruitful fields, cities erected to the name of the Lord, and the standard of Zion unfurled for the gathering of the nations.

"President Young expressed his entire satisfaction at the appearance of the valley as a resting place for the Saints, and felt amply repaid for his journey. While lying upon his bed, in my carriage, gazing upon the scene before us, many things of the future, concerning the valley, were shown to him in vision.

"After gazing awhile upon this scenery, we moved four miles across the table land into the valley, to the encampment of our brethren who had arrived two days before us. They had pitched upon the banks of two small streams of pure water and had commenced plowing. On our arrival they had already broken five acres of land, and had begun planting potatoes in the valley of the Great Salt Lake.

"As soon as our encampment was formed, before taking my dinner, having half a bushel of potatoes, I went to the plowed field and planted them, hoping, with the blessing of God, to save at least the seed for another year.

"The brethren had damned up one of the creeks and dug a trench, and by night nearly the whole ground, which was found very dry, was irrigated.

"Towards evening, Brothers Kimball, Smith, Benson and myself rode several miles up the creek (City Creek) into the mountain, to look for timber and see the country.

"There was a thunder shower, and it rained over nearly the whole valley; it also rained a little in the forepart of the night. We felt thankful for this, as it was the generally conceived opinion that it did not rain in the valley during the summer season."

How well this arrival of the Pioneers into their "Land of Promise" illustrates the character of the Mormon people. Empire founding on the first day; planting their fields before rest or dinner. Rain on the day of Brigham Young's arrival—to them a miracle of promise! Already had his vision begun to be fulfilled!

## CHAPTER V.

THE FIRST SABBATH IN THE VALLEY. THE PIONEERS APPLY THE PROPHECIES TO THEMSELVES AND THEIR LOCATION. ZION HAS GONE UP INTO THE MOUNTAINS. THEY LOCATE THE TEMPLE AND LAY OFF THE "CITY OF THE GREAT SALT LAKE." THE LEADERS RETURN TO WINTER QUARTERS TO GATHER THE BODY OF THE CHURCH.

The arrival of the main body of the Pioneers in the valley of the Great Salt Lake was on a Saturday. The next day to them was a Sabbath indeed.

"We shaved and cleaned up," says Apostle Woodruff, in his graphic story of the Pioneers, "and met in the circle of the encampment."

In the afternoon the whole "Congregation of Israel" partook of the Sacrament of the Lord's Supper.

Then the valleys rang with the exultant themes of the Hebrew Prophets, and the "everlasting hills" reverberated to the hosannas of the Saints.

Orson Pratt was the preacher of the great subject, which, to the ardent faith of those Pioneers, never lived in fulfillment till that moment. The sublime flights of the matchless Isaiah gave the principal theme.

"O Zion, that bringest good tidings, get thee up into the high mountains!"

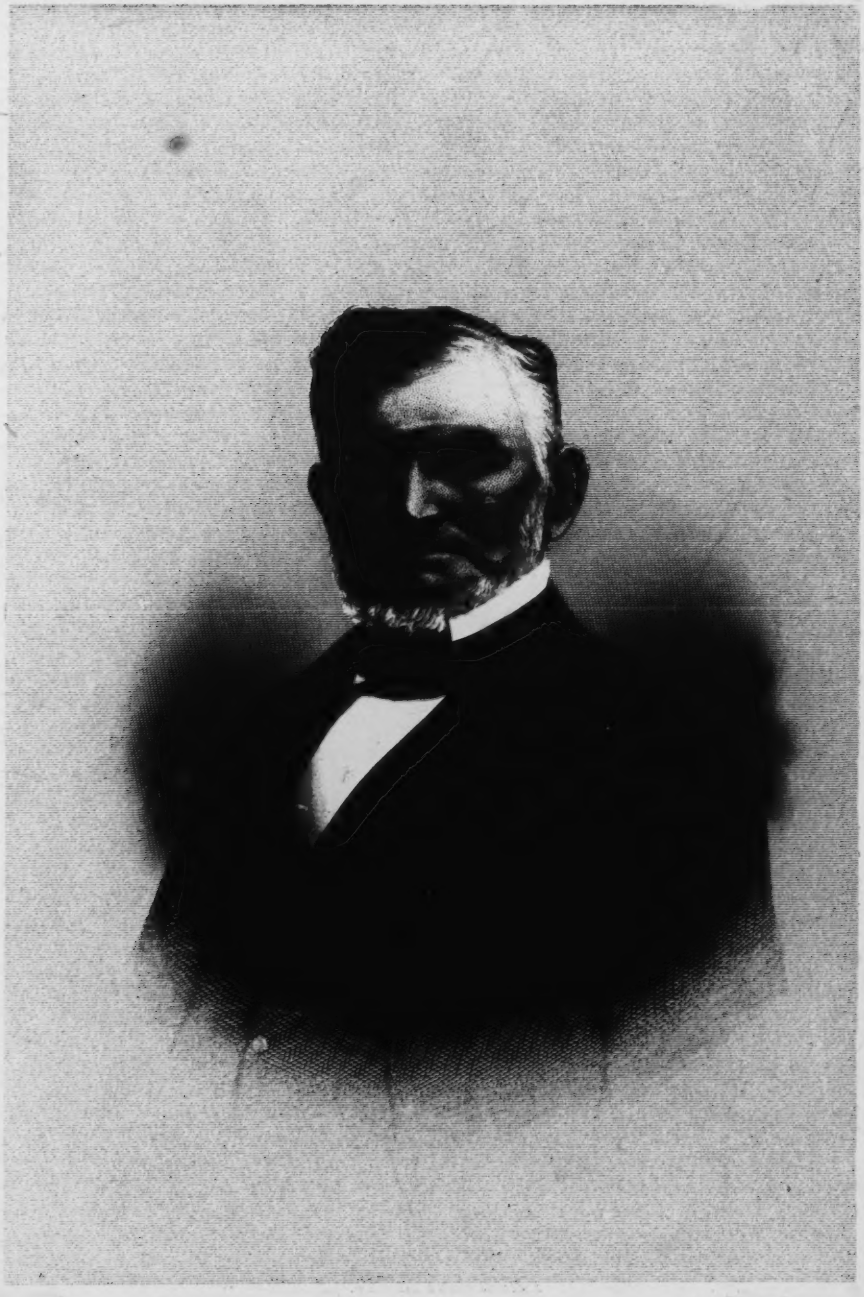
But Isaiah is not alone in the culminating inspiration. There is such a grand unity among the Hebrew prophets, when touching this subject of a Latter-day Zion, that undoubtedly, it was the burden of the divine epic to which the Hebraic genius soared. Notwithstanding the mental diversity of these poet-prophets, in this crowning theme they gave us, not poetic fragments, but a glorious continued composition, as from a manifold genius.

"Thy watchmen shall lift up their voice; with the voice together shall they sing; and they shall see eye to eye when they Lord shall bring again Zion."

This was fulfilled to those Anglo-American Pioneers on that day. They felt they were the watchmen! With the voice together they sang the theme, and did literally shout their hosannas. They saw eye to eye. "The Lord hath brought again Zion."

Nor were these Mormon Apostles figurative in their applications; they rendered most literally to themselves every point. Orson Pratt declared, with an Apostle's assurance, that their location, in the valleys of the Rocky Mountains, was in the view of the ancient seers. That which was before seemingly contradictory in the extreme, relative to the Latter-day Zion, especially its location and the rapid transformation of its founding, was now made plain and most literal. Apostle Pratt reconciled it all. The Pioneers saw the vision of Zion harmonized on that first Sabbath in the valley, as they might have seen their own faces in a mirror.

God would "hide his people in the chambers of the mountains!" Yet, in these "last days" he would "establish his house on the tops of the mountains, and exalt it above the hills!"



Wilford Woodruff

And here were these Pioneers of Mormon Israel in a valley nearly thirty miles in diameter, encircled by a chain of mountains; here, in a valley nearly five thousand feet above the level of the sea—"exalted above the hills"—yet belted by mountains with everlasting caps of snow. It was indeed as the "chambers of the Lord," and the name which it popularly bore—the "Great Basin"—was nearly as striking to the imagination as its prophetic name.

Latter-day Zion, too, was to be a place "sought out"—a place "not forsaken." They had sought it out by an exodus, and an unparalleled journey of a people, nearly fifteen hundred miles, over unbroken prairies, sandy deserts, and rocky mountains; and they were about to found their Zion in a primeval valley, where no city, since the creation, had ever stood—a place "not forsaken" by civilized people of the ages long since dead. The "solitary places" were to be "made glad," the "wilderness" was to "blossom as the rose," and the "desert" suddenly to be converted into the "fruitful field." Such was the sermon of the first Sabbath in the Great Salt Lake Valley. The Pioneers had chosen for the location of their Zion and her temples, the "Great American Desert," and they were about to make real the strange and highly colored picture. So much like the change in an enchanted scene has been the transformation which has since come over those desert valleys and canyons of the Rocky Mountains, that for the last quarter of a century the Mormons have been popularly described in nearly every nation of the earth as that peculiar people who have made the "desert to blossom as the rose." Look upon the valley of the Salt Lake to-day as the Spring opens, when the gardens and orchards are in one universal rose-blossom, and there never was a prophetic picture more literally realized.

Though feeble with that most languishing of diseases, the mountain fever, and scarcely able to stand upon his feet, Brigham Young was still the law-giver on that first Sabbath. If he had not the strength to preach a great sermon on the Latter-day Zion, like that of the Mormon Paul—Orson Pratt—he was "every inch" the Moses of the Mormon Exodus.

"He told the brethren," says the historian Woodruff, "that they must not work on Sunday; that they would lose five times as much as they would gain by it. None were to hunt or fish on that day; and there should not any man dwell among us who would not observe these rules. They might go and dwell where they pleased, but should not dwell with us. He also said, no man should buy any land who came here; that he had none to sell; but every man should have his land measured out to him for city and farming purposes. He might till it as he pleased, but he must be industrious, and take care of it.

"On Monday ten men were chosen for an exploring expedition. I took President Young into my carriage, and, traveling two miles towards the mountain, made choice of a spot for our garden.

"We then returned to camp, and went north about five miles, and we all went on to the top of a high peak, on the edge of the mountain, which we considered a good place to raise an ensign. So we named it 'Ensign Peak.'

"I was the first person to ascend this hill, which we had thus named. Brother Young was very weary, in climbing to the peak, from his recent fever.

"We descended to the valley, and started north to the Hot Sulpher Springs,

but we returned two miles to get a drink of cold water, and then went back four miles to the Springs. We returned to the camp quite weary with our day's explorations. Brothers Mathews and Brown had crossed the valley in the narrowest part, opposite the camp, to the west mountain, and found it about fifteen miles.

"Next day Amasa Lyman came into camp, and informed us that Captain Brown's detachment of the Mormon Battalion would be with us in about two days.

"We again started on our exploring expedition. All the members of the quorum of the Twelve belonging to the pioneers, eight im number, were of the company. Six others of the brethren, including Brannan of San Francisco, were with us.

"We started for the purpose of visiting the Great Salt Lake, and mountains on the west of the valley. We traveled two miles west from Temple Block, and came to the outlet of the Utah Lake; thence fourteen miles to the west mountain, and found that the land was not so fertile as on the east side.

"We took our dinner at the fresh water pool, and then rode six miles to a large rock, on the shore of the Salt Laks, which we namad Black Rock, where we all halted and bathed in the salt water. No person could sink in it, but would roll and float on the surface like a dry log. We concluded that the Salt Lake was one of the wonders of the world.

"After spending an hour here, we went west along the lake shore, and then returned ten miles to our place of nooning, making forty miles that day.

"In the morning we arose refreshed by sleep in the open air. Having lost my carriage whip the night before, I started on horseback to go after it. As I approached the spot where it was dropped, I saw about twenty Indians. At first they looked to me in the distance like a lot of bears coming towards me. As I was unarmed I wheeled my horse and started back on a slow trot.

"But they called to me, and one, mounting his horse, came after me with all speed. When he got within twenty rods I stopped and met him. The rest followed. They were Utes, and wanted to trade. I told them by signs that our camp was near, so he went on with me to the camp. From what we had yet seen of the Utes they appeared friendly, though they had a bad name from the mountaineers. The Indian wanted to smoke the pipe of peace with us, but we soon started on and he waited for his company.

"We traveled ten miles south under the mountain. The land laid beautifully, but there was no water, and the soil was not so good as on the east. We saw about a hundred goats, sheep and antelope playing about the hills and valleys. We returned, weary, to the pioneer encampment, making thirty miles for the day.

"After our return to the camp, President Young called a council of the quorum of the Twelve. There were present: Brigham Young, Heber C. Kimball, Willard Richards, Orson Pratt, Wilford Woodruff, George A. Smith, Amasa Lyman and Ezra T. Benson.

"We walked from the north camp to about the centre between the two creeks, when President Young waved his hand and said: 'Here is the forty acres for the Temple. The city can be laid out perfectly square, north and south,

east and west.' It was then moved and carried that the Temple lot contain forty acres on the ground where we stood. It was also moved and carried that the city be laid out into lots of ten rods by twenty each, exclusive of the streets, and into blocks of eight lots, being ten acres in each block, and one and a quarter in each lot.

"It was further moved and carried that each street be laid out eight rods wide, and that there be a side-walk on each side, twenty feet wide, and that each house be built in the centre of the lot twenty feet from the front, that there might be uniformity throughout the city.

"It was also moved that there be four public squares of ten acres each, to be laid out in various parts of the city for public grounds.

"At eight o'clock the whole camp came together on the Temple ground and passed the votes unanimously, and, when the business part of the meeting was closed, President Young arose and addressed the assembly upon a variety of subjects.

"In his remarks the President said that he was determined to have all things in order, and righteousness should be practiced in the land. We had come here according to the direction and counsel of Brother Joseph, before his death; and, said the President, Joseph would still have been alive if the Twelve had been in Nauvoo when he re-crossed the river from Montrose.

"During his remarks, President Young observed that he intended to have every hole and corner from the Bay of San Francisco to Hudson Bay known to us.

"On the 29th, President Young, with a number of brethren, mounted and started to meet the Battalion detachment, under the command of Captain Brown.

"We met some of them about four miles from camp, and soon afterwards met Captains Brown and Higgins, Lieutenant Willis, and the company. There were 140 of the Battalion, and a company of about 100 of the Mississippi Saints, who came with them from Pueblo. They had with them 60 wagons, 100 horses and mules, and 300 head of cattle, which greatly added to our strength.

"While we were in the canyon, a water cloud burst, which sent the water into the creeks from the mountains, with a rush and roar like thunder, resembling the opening of a flood gate. The shower spread over a good share of the valley where we settled.

"We returned at the head of the companies, and marched into camp with music. The Battalion took up their quarters between our two camps on the bank of the creek.

"While we had been exploring, the rest of the pioneers had been farming.

"By the 1st of August (Sunday) the brethren constructed the Bowery on Temple block, in which Heber C. Kimball was the first to preach. Orson Pratt followed in a discourse upon the prophecies of Isaiah, proving that the location of Zion in the mountains by our people was the fulfillment.

"On Monday we commenced laying out the city, beginning with the Temple block. In forming this block, forty acres appeared so large, that a council was held to determine whether or not it would be wisdom to re-

duce it one-half. Not being decided in our views, we held council again, two days later, when we gave as our matured opinions that we could not do justice to forty acres; that ten acres would be sufficient.

"As we were under the necessity of returning soon to Winter Quarters for the Saints, it was thought best to go at once to the mountains for logs to build ourselves cabins, as the adobe houses might not be ready for our use.

"On the 6th of August, the Twelve were re-baptized. This we considered a privilege and a duty. As we had come in a glorious valley to locate and build up Zion, we felt like renewing our covenants before the Lord and each other. We soon repaired to the water, and President Young went down into the water and baptized all his brethren of the Twelve present. He then confirmed us, and sealed upon us our apostleship, and all the keys, powers and blessings belonging to that office. Brother Heber C. Kimball baptized and confirmed President Brigham Young. The following were the names and order of those present: Brigham Young, Heber C. Kimball, Orson Pratt, Willard Richards, Wilford Woodruff, George A. Smith, and Amasa Lyman. Ezra T. Benson had been dispatched several days before to meet the companies on the road.

"In the afternoon of the next day, the Twelve went to the Temple Block to select their inheritances.

"President Young took a block east of the Temple, and running southeast, to settle his friends around him; Heber C. Kimball a block north of the Temple; Orson Pratt, south and running south; Wilford Woodruff, a block cornering the Temple Block, the southwest corner joining Orson Pratt's; Amasa Lyman took a block forty rods below Wilford Woodruff's; George A. Smith one joining the Temple on the west, and running due west. It was supposed that Willard Richards would take his on the east, near President Young's. None others of the Twelve were present in the camp.

"During the same evening the Twelve went to City Creek, and Heber C. Kimball baptized fifty-five members of the camp, for the remission of their sins; and they were confirmed under the hands of President Young, Orson Pratt, Wilford Woodruff, George A. Smith, and Amasa Lyman; President Young being mouth.

"On the next day (Sunday, August 8th), the whole Camp of Israel renewed their covenants before the Lord by baptism. There were two hundred and twenty-four baptized this morning, making two hundred and eighty-four re-baptized in the last three days.

"In the afternoon we partook of the Sacrament. At the close of the meeting one hundred and ten men were called for, to go into the adobe yard, and seventy-six volunteered.

"Brother Crow had a child drowned on the 11th.

"On the 13th the Twelve held council. Each one was to make choice of the blocks that they were to settle their friends upon. President Young took the tiers of blocks south through the city; Brother Kimball's runs north and northwest; Orson Pratt, four blocks; Wilford Woodruff eight blocks; George A. Smith, eight; and Amasa Lyman, twelve blocks, according to the companies organized with each.

"Next day four of the messengers returned from Bear River and Cache Valley.

"They brought a cheering report of Cache Valley. The brethren also returned who went to Utah Lake for fish. They found a mountain of granite.

"The quorum of the Twelve decided in council that the name of the city should be the 'City of the Great Salt Lake.'

"Sunday, August 15th, President Young preached on the death of Brother Crow's child; a most interesting discourse, full of principle.

"Sunday, the 22d, we held a general conference, when the public assembly resolved to call the city the 'City of the Great Salt Lake.'

"It was also voted to fence the city for farming purposes the coming year and to appoint a President and High Council, and all other officers necessary in this Stake of Zion, and that the Twelve write an epistle to leave with the Saints in the valley. The conference then adjourned until the 6th of October, 1848.

"On the morning of the 26th of August, 1847, the Pioneers, with most of the returning members of the Mormon Battalion, harnessed their horses and bade farewell to the brethren who were to tarry. The soldiers were very anxious to meet their wives again, whom they had left by the wayside, without a moment's notice, for their service in the war with Mexico. These being, too, the 'Young Men of Israel,' had left many newly wedded brides; and not a few of those gallant fellows were fathers of first-born babes whom they had not yet seen.

"The brethren in the valley were placed under the presidency of the Chief Patriarch of the Church—Father John Smith, uncle of the Prophet. The members of the quorum of the Twelve Apostles Brigham took with him; but he left reliable men, among whom was Albert Carrington.

"There were a number of companies also on the road, under principal men and chief 'Captains of Israel,' such as Apostles Parley P. Pratt and John Taylor, Bishop Hunter, Daniel Spencer, and Jedediah M. Grant, who was afterwards one of the first presidents of the Church.

"On the fourth day of their return journey, the Pioneers were met by their messengers, under Ezra T. Benson, whom President Young had sent forward with instructions to the outcoming companies. These messengers gladdened the hearts of the Pioneers, with letters from their wives and brethren, and reported the coming 'Camp of Israel' as divided into nine companies, numbering 600 wagons.

On the 3d of September, they met the first division of fifty, under President Daniel Spencer, upon the Big Sandy; and, on the following day, on the Little Sandy, two more fifties, one under the command of Captain Sessions and the other under Apostle Parley P. Pratt.

"They continued daily to meet the companies, Apostle Taylor bringing up his hundred on the Sweetwater. In this company was Edward Hunter, afterwards presiding Bishop of the whole Church. These brethren prepared a great feast in the wilderness, They made it a sort of a surprise party, the Pioneers being unexpectedly introduced to the richly-laden table. The feast consisted of roast and boiled beef, pies, cakes, biscuit, butter, peach sauce, coffee, tea, sugar, and a

great variety of good things. In the evening the camp had a dance, but the Twelve met in council to adjust important business.

"Next day they met Jedediah M. Grant, with his hundred. He was direct from Philadelphia. He informed them that Senator Thomas Benton, the inveterate enemy of the Mormons, was doing all he could against them.

"At Fort Laramie Presidents Young, Kimball, and others of the Apostles dined with Commodore Stockton, from the Bay of San Francisco, with forty of his men, eastward bound.

"On the 19th of October, the Pioneers were met by a troop of mounted police from Winter Quarters, under their captain, Hosea Stout, who had come to meet them, thinking they might need help."

As they drew near Winter Quarters, the sisters, mothers and wives came out to meet the brave men who had found for them a second Zion. They also sent teams laden with the richest produce of Winter Quarters and the delicacies of the household table, which loving hands had prepared.

When within about a mile of Winter Quarters a halt was called; the company was drawn up in order and addressed by President Young, who then dismissed the Pioneer camp with his blessing.

They drove into the city in order. The streets were lined with people to shake hands with them as they passed. Each of the Pioneers drove to his own home. This was October 31st.

The Pioneers on their return found the Saints at Winter Quarters well and prosperous. They, like the leaders, had been greatly blessed- The earth, under their thorough habits of cultivation and industry, had brought forth abundantly.

During the first three months of the year 1848, the Saints at Winter Quarters were busy preparing for the general migration of the Church to the Valley of the Great Salt Lake; but they also petitioned the Legislature of Iowa for the organization of a county in the Pottowatamie tract of land, and for a post office.

On the 3d of February those who were in the "Battle of Nauvoo" commemorated it with a feast.

On the 6th of April the regular general conference was held, celebrating the organization of the Church; and on the 11th messengers arrived from Great Salt Lake City. They were of the Battalion.

A feast was made by President Young on the 29th for his immediate associates, some of whom were going on missions, others were designed to stay on the frontiers to conduct and bring up the emigration; while President Young himself was about to lead the vanguard of the people to the mountains.

About the middle of May, all was bustle at Winter Quarters. President Young addressed the people Sunday, 14th, blessed those who were going with him to the valley, and those who were to tarry. He also blessed the Pottowatomie land, and prophesied that the Saints would never be driven from the Rocky Mountains.

On the 24th of May, President Young started for Elk Horn to organize his company. There were 600 wagons in the encampment. They formed the largest pioneer force which had yet set out to build up the States and Territories destined to spring up on the Pacific Slope.

We need not follow the Pioneers on their second journey to the Rocky Mountains. Suffice it to say that Brigham led the body of the Church in safety to these mountain retreats, arriving in the City of the Great Salt Lake in September, 1848.

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## CHAPTER VI.

PROGRESS OF THE COLONY. DESTRUCTION OF THE CROPS BY CRICKETS. DESCRIPTION OF GREAT SALT LAKE CITY.

Of the colony in its first year's growth and doings, Parley P. Pratt says:

"After many toils, vexations and trials, such as breaking wagons, losing cattle, upsetting, etc., we arrived in the Valley of Great Salt Lake late in September, 1847. Here we found a fort commenced and partly built by the Pioneers, consisting of an enclosure of a block of ten acres with a wall, or in part of buildings of adobes or logs. We also found a city laid out and a public square dedicated for a temple of God. We found also much ground planted in late crops, which, however, did not mature, being planted late in July; although there were obtained for seed a few small potatoes, from the size of a pea upward to that of half an inch in diameter. These being sound and planted another year produced some very fine potatoes, and, finally, contributed mainly in seeding the Territory with that almost indispensable article of food.

"After we had arrived on the ground of Great Salt Lake City we pitched our tents by the side of a spring of water; and, after resting a little, I devoted my time chiefly to building temporary houses, putting in crops, and obtaining fuel from the mountains.

Having repented of our sins and renewed our covenants, President John Taylor and myself administered the ordinances of baptism, etc., to each other and to our families, according to the example set by the President and Pioneers who had done the same on entering the valley.

"These solemnities took place with us and most of our families, November 28, 1847.

"Sometime in December, having finished sowing wheat and rye, I started, in company with a Brother Higby and others, for Utah Lake with a boat and fish net. We travelled some thirty miles with our boat, etc., on an ox wagon, while some of us rode on horseback. This distance brought us to the foot of Utah Lake, a beautiful sheet of fresh water, some thirty-six miles long by fifteen broad. Here we launched our boat and tried our net, being probably the first boat and net ever used on this sheet of water in modern times.

"We sailed up and down the lake shore on its western side for many miles, but had only poor success in fishing. We, however, caught a few samples of mountain trout and other fish.

"After exploring the lake and valley for a day or two, the company returned home, and a Brother Summers and myself struck westward from the foot of the lake on horseback, on an exploring tour. On this tour we discovered and partly explored Cedar Valley, and there crossed over the west mountain range and discovered a valley beyond; passing through which, we crossed a range of hills northward, and entered Tooele Valley. Passing still northward, we camped one night on a bold mountain stream, and the next day we came to the southern extreme of Great Salt Lake, and passing round between it and the West Mountain we journeyed in an eastern course, and, crossing the Jordan, arrived in Great Salt Lake City—having devoted nearly one week to our fishing, hunting, and exploring expedition. During all this time we had fine weather and warm days; but the night we arrived home was a cold one, with a severe snow storm. And thus closed the year 1847.

"*January 1st, 1848.*—The opening of the year found us and the community generally in good, comfortable, temporary log or adobe cabins, which were built in a way to enclose the square commenced by the Pioneers, and a portion of two other blocks of the city plot. * * *

"We had to struggle against great difficulties in trying to mature a first crop. We had not only the difficulties and inexperience incidental to an unknown and untried climate, but also swarms of insects equal to the locusts of Egypt, and also a terrible drought, while we were entirely inexperienced in the art of irrigation; still we struggled on, trusting in God."

Thus was the fair promise of the first harvest in the Valley destroyed by the desolating crickets. Their ravages were frightful. They came down from the mountains in myriads. Countless hosts attacked the fields of grain. The crops were threatened with utter destruction. The valleys appeared as though scorched by fire. Famine stared the settlers in the face. All were in danger of perishing. Every effort was made by the settlers to drive the crickets off by bushes, long rods, and other like means—whole families and neighborhoods turning out *en masse* until the people were almost exhausted. At this frightful moment, when the utter destruction of their crops stared the little colony in the face,—while also on their journey were the companies under President Young, who would need supplies until the second harvest, the manifestation of a special Providence was sent to save the people—so these reverent colonists believed. Immense flocks of gulls came up from the islands of the Lake to make war upon the destroying hosts. Like good angels, they came at the dawn; all day they feasted upon the crickets. The gulls covered every field where the crickets had taken possession, driving them into the streams and even into the door-yards, devouring them until gorged, then vomiting them and devouring more.

Even as it was, there was a season of famine in Utah; but none perished from starvation. The patriarchal character of the community saved it. As one great family they shared the substance of the country. An inventory of provisions was taken in the Spring of 1849, and the people were put upon rations.

Still their breadstuffs were insufficient, and many went out with the Indians and dug small native roots, while some, in their destitution, took the hides of animals, which covered the roofs of their houses, and cut them up and cooked them. But the harvest of 1849 was abundant and the people were saved.

A passage of Indian history should not be lost here, as given by Parley P. Pratt in a letter to his brother Orson, in England, bearing date, Great Salt Lake City, September 5th, 1848. He wrote:

"A few weeks since, Mr. Joseph Walker, the celebrated Utah Chief, mentioned in the journey of Colonel Fremont, paid a visit to this place, accompanied by Soweite, the king of the whole Utah nations, and with them some hundreds of men, women and children; they had several hundred head of horses for sale.

"They were good looking, brave, and intelligent beyond any we had seen on this side of the mountains. They were much pleased and excited with every thing they saw, and finally expressed a wish to become one people with us, and to live among us and we among them, and to learn to cultivate the earth and live as we do. They would like for some of us to go and commence farming with them in their valleys, which are situated about three hundred miles south.

"We enjoined it on them to be at peace with one another, and with all people, and to cease to war."

The following from the First General Epistle sent out from the Mormon Presidency, in the spring of 1849, is valuable as a page of the early history.

"On our arrival in this valley, we found the brethren had erected four forts, composed mostly of houses, including an area of about forty-seven acres, and numbering about 5,000 souls, including our camp. The brethren had succeeded in sowing and planting an extensive variety of seeds, at all seasons, from January to July, on a farm about twelve miles in length, and from one to six in width, including the city plot. Most of their early crops were destroyed, in the month of May, by crickets and frost, which continued occasionally until June; while the latter harvest was injured by drought and frost, which commenced its injuries about the 10th of October, and by the out-breaking of herds of cattle. The brethren were not sufficiently numerous to fight the crickets, irrigate the crops, and fence the farm of their extensive planting, consequently they suffered heavy losses; though the experiment of last year is sufficient to prove that valuable crops may be raised in this valley by an attentive and judicious management.

"The winter of 1847-8 was very mild, grass abundant, flocks and herds thriving thereon, and the earth tillable most of the time during each month; but the winter of 1848-9 has been very different, more like a severe New England winter. Excessive cold commenced on the 1st of December, and continued till the latter part of February. Snow storms were frequent, and though there were several thaws, the earth was not without snow during that period, varying from one to three feet in depth, both in time and places. The coldest day of the past winter was the 5th of February, the mercury falling 33° below freezing point, and the warmest day was Sunday, the 25th of February, mercury rising to 21° above freezing point, Fahrenheit. Violent and contrary winds have been frequent. The snow on the surrounding mountains has been much deeper, which has made

the wood very difficult of access; while the cattle have become so poor, through fasting and scanty fare, that it has been difficult to draw the necessary fuel, and many have had to suffer more or less from the want thereof. The winter commenced at an unusual and unexpected moment, and found many of the brethren without houses or fuel, and although there has been considerable suffering, there has been no death by the frost. Three attempts have been made by the brethren with pack animals or snow shoes to visit Fort Bridger, since the snow fell, but have failed; yet it is expected that Compton will be able to take the mail east soon after April conference.

"In the former part of February, the bishops took an inventory of the breadstuff in the valley, when it was reported that there was little more than three-fourths of a pound per day for each soul, until the 5th of July; and considerable was known to exist which was not reported. As a natural consequence some were nearly destitute while others had abundance. The common price of corn since harvest has been two dollars; some have sold for three; at present there is none in the market at any price. Wheat has ranged from four to five dollars, and potatoes from six to twenty dollars per bushel, and though not to be bought at present, it is expected that there will be a good supply for seed by another year.

"Our public works are prosperous, consisting of a Council House, 45 feet square, two stories, building by tithing; also a bridge across the Western Jordan, at an expense of seven hundred dollars, and six or seven bridges across minor streams, to be paid by a one per cent. property tax; also, a bath-house at the warm spring.

"A field of about 8000 acres has been surveyed south of and bordering on the city, and plotted in five and ten acre lots, and a church farm of about 800 acres. The five and ten acre lots were distributed to the brethren, by casting lots, and every man is to help build a pole, ditch, or a stone fence as shall be most convenient around the whole field, in proportion to the land he draws; also, a canal on the east side, for the purpose of irrigation. There are three grist mills, and five or six saw mills in operation, and several more in contemplation.

"The location of a tannery and foundry are contemplated as soon as the snows leave the mountains.

"The forts are rapidly breaking up, by the removal of the houses on to the city lots; and the city is already assuming the appearance of years, for any ordinary country; such is the industry and perseverance of the Saints.

"A winter's hunt, by rival parties of one hundred men each, has destroyed about 700 wolves and foxes, 2 wolverines, 20 minx and pole cats, 500 hawks, owls, and magpies, and 1,000 ravens, in this valley and vicinity.

"On the return of a portion of the Mormon Battalion through the northern part of *Western California, they discovered an extensive gold mine*, which enabled them by a few days delay to bring a sufficient of the dust to make money plentiful in this place for all ordinary purposes of public convenience; in the exchange the brethren deposited the gold dust with the presidency, who issued bills or a paper currency."

Captain Stansbury describing Salt Lake City and its environs, as viewed about the year 1850, wrote:

"A city has been laid out upon a magnificent scale, being nearly four miles in length and three in breadth; the streets at right angles with each other, eight rods or one hundred and thirty-two feet wide, with sidewalks of twenty feet; the blocks forty rods square, divided into eight lots, each of which contains an acre and a quarter of ground. By an ordinance of the city, each house is to be placed twenty feet back from the front line of the lot, the intervening space being designed for shrubbery and trees. The site for the city is most beautiful: it lies at the western base of the Wasatch Mountains, in a curve formed by the projection westward from the main range of a lofty spur which forms its southern boundary. On the west it is washed by the waters of the Jordan, while to the southward for twenty-five miles extends a broad, level plain, watered by several little streams, which flowing down from the eastern hills, form the great element of fertility and wealth to the community. Through the city itself flows an unfailing stream of pure, sweet water, which, by an ingenious mode of irrigation, is made to traverse each side of every street, whence it is led into every garden-spot, spreading life, verdure and beauty over what was heretofore a barren waste. On the east and north the mountain descends to the plain by steps, which form broad and elevated terraces, commanding an extensive view of the whole valley of the Jordan, which is bounded on the west by a range of rugged mountains, stretching far to the southward, and enclosing within their embrace the lovely little Lake of Utah.

"On the northern confines of the city, a warm spring issues from the base of the mountain, the water of which has been conducted by pipes into a commodious bathing house; while, at the western point of the same spur, about three miles distant, another spring flows in a bold stream from beneath a perpendicular rock, with a temperature too high to admit the insertion of the hand, (128 Fahrenheit.) At the base of the hill it forms a little lake, which in the autumn and winter is covered with large flocks of waterfowl, attracted by the genial temperature of the water.

Beyond the Jordan, on the west, the dry and otherwise barren plains support a hardy grass, (called bunch grass,) which is peculiar to these regions, requiring but little moisture, very nutritious and in sufficient quantities to afford excellent pasturage to numerous herds of cattle. To the northward, in the low grounds bordering the river, hay in abundance can be procured, although it is rather coarse and of an inferior quality.

"The facilities for beautifying this admirable site are manifold. The irrigating canals, which flow before every door, furnish abundance of water for the nourishment of shade trees, and the open space between each building, and the pavement [sidewalk] before it, when planted with shrubbery and adorned with flowers, will make this one of the most lovely spots between the Mississippi and the Pacific.

"The city was estimated to contain about eight thousand inhabitants, and was divided into numerous wards, each, at the time of our visit, enclosed by a substantial fence, for the protection of the young crops: as time and leisure will

permit, these will be removed, and each lot enclosed by itself, as with us. The houses are built, principally of adobe or sun-dried brick, which, when well covered with a tight projecting roof, make warm, comfortable dwellings, presenting a very neat appearance. Buildings of a better description are being introduced, although slowly, owing to the difficulty of procuring the necessary lumber, which must always be dear in a country so destitute of timber.

"Upon a square appropriated to the public buildings, an immense shed had been erected upon posts, which was capable of containing three thousand persons. It was called 'The Bowery,' and served as a temporary place of worship until the construction of the great Temple. * * * A mint was already in operation, from which were issued gold coins of the Federal denominations, stamped without assay, from the dust brought from California."

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## CHAPTER VII.

THE PRIMITIVE GOVERNMENT OF THE COLONY. PROVISIONAL STATE OF DESERET ORGANIZED. PASSAGE OF THE GOLD-SEEKERS THROUGH THE VALLEY.

During the first four years the colony grew up under the peculiar rule of the Mormon community. There was the "City of the Great Salt Lake" in name, but no regular incorporation until after the setting up of the Territory of Utah, under the United States administration. At first the city was simply a "Stake of Zion," with no secular functions in the common sense, nor a secular administration in any form, until the election for officers of the Provisional Government of the State of Deseret, when the bishops became magistrates of their several wards.

Previous to their return to Winter Quarters, the Twelve Apostles organized a Stake of Zion, and appointed John Smith President, Charles C. Rich and John Young his counselors; Tarleton Lewis, Bishop, and a High Council. This organization went into effect on the arrival of the emigrant companies, in the fall of 1847, when about 700 wagons, laden with families, located on the site of Great Salt Lake City. This, however, may be considered rather as a temporary Stake than the organization proper, for Great Salt Lake City was destined to be the permanent headquarters of the Church. With the Twelve and First Presidency at Winter Quarters, the Church herself was still in that place, and it was there that the First Presidency was re-established, with Brigham Young and his counselors, Heber C. Kimball and Willard Richards. This done, the Church evacuated Winter Quarters to establish herself in the valley of the Great Salt Lake, designing to send out therefrom her colonies, to found cities in every valley of these Rocky Mountains.

Edw.d Hunter

Born June 22 1793.

Immediately on the arrival of the body of the Church, under the presidency of Brigham Young in September, 1848, the regular social and ecclesiastical organizations of the community were effected, and the chief Stake of Zion organized in Great Salt Lake City. Commencing the re-organization at the general October Conference of that year, Brigham Young was acknowledged President of the Church in all the world, with Heber C. Kimball and Willard Richards as his counselors. On the 1st of January, 1849, John Smith, uncle to the Prophet Joseph Smith, was ordained Patriarch of the Church, and on the 12th of February the Presidency and Twelve proceeded to fill up the vacant places in the quorum of the Twelve Apostles. They next, in the words of their General Epistle, "proceeded to organize a Stake of Zion at the Great Salt Lake City, with Daniel Spencer, president, and David Fullmer and Willard Snow, counselors. They also ordained and set apart a High Council of the Stake, consisting of Isaac Morley, Phinehas Richards, Shadrach Roundy, Henry G. Sherwood, Titus Billings, Eleazer Miller, John Vance, Levi Jackman, Ira Eldredge, Elisha H. Groves, William W. Major, and Edwin D. Wooley. The other quorums of the Church were also re-organized. The Presidency of the Seventies was composed of Joseph Young, Zera Pulsipher, Levi W. Hancock, Jedediah M. Grant, Henry Herriman, Benjamin L. Clapp, and Albert P. Rockwood. John Young was ordained president of the High Priests' quorum, with counselors Reynolds Cahoon and George B. Wallace; John Nebeker, president of the Elders' quorum, with counselers James H. Smith and Aaron Savery. This re-organization took place at the house of George B. Wallace, in the Old Fort.

After these branches of the "spiritual" organization were perfected, the city was divided into nineteen wards, over which bishops were appointed with their counselors.

Under the direction of Brigham Young, who, throughout his lifetime, was the "all in all" in the colonization of Utah, the Apostles and Bishops commenced to lay off the city, from the southeast corner, running west five wards, then returning, running east five wards, then west again, and so on.

Bishop Newel K. Whitney was the presiding Bishop over the whole. The original Bishops of the nineteen wards were as follows: First Ward, Peter McCue; Second Ward, John Lowrey; Third Ward, Christopher Williams; Fourth Ward, Benjamin Brown; Fifth Ward (which for quite a while was without a Bishop), Thomas Winters; Sixth Ward, William Hickenlooper; Seventh Ward, William G. Perkins; Eighth Ward, Addison Everett; Ninth Ward, Seth Taft; Tenth Ward, David Pettegrew; Eleventh Ward, John Lytle; Twelfth Ward, Benjamin Covey; Thirteenth Ward, Edward Hunter; Fourteenth Ward, John Murdock, Sen.; Fifteenth Ward, Nathaniel V. Jones; Sixteenth Ward, Shadrach Roundy; Seventeenth Ward, J. L. Heywood; Eighteenth Ward, Presiding Bishop Whitney; Nineteenth Ward, James Hendricks.

Under the government of the Bishops, Utah grew up, and, until the regular incorporation of Great Salt Lake City in 1851, they held what is usually considered the secular administration over the people; Brigham Young was their director, for he formulated and constructed everything in those early days. Each of these nineteen wards developed, during the first period, before the reg-

ular incorporation of the city, like so many municipal corporations, over which the Bishops were as chief magistrates or mayors. Under their temporal administration all over Utah, as well as in Salt Lake, cities were built, lands divided off to the people, roads and bridges made, water-ditches cut, the land irrigated, and society governed. In fact, under them all the revenue was produced and the work done of founding Great Salt Lake City.

Perhaps the most unique ecclesiastical order of government belonging to the Christian era is that which has sprung up in the Mormon Church in the organizations and government of its Bishops. It is altogether out of the common ecclesiastical order and church regime; and the duties and calling of those belonging to the Mormon Bishopric have originated a form of government peculiarly its own. Indeed, this branch of the Mormon development has not only shaped considerable of the history of this peculiar people, but given to the world something of a new social problem. We may not be able to determine how much the influence and life-work of these Bishops will in the future affect the growth of the Pacific States and Territories; but, so far as the past is concerned, we know that under the Bishops the hundreds of cities and settlements of Utah and some of the adjacent Territories have been founded.

Almost from the first organization of the Church and long before the organization of the quorum of the Twelve Apostles, it was shown in the peculiar history of the people that the Bishops were as the organic basis of the Mormon society, and the proper business managers of the Church; but it was not until the Mormons came to the Rocky Mountains that the society-work of the Bishops grew rapidly into the vast proportions of their present social and church government. In Utah, they soon became the veritable founders of our settlements and cities; and, having founded them, they have also governed them and directed the people in their social organization and material growth, while the Apostles and Presidents of Stakes have directed spiritual affairs.

It may be further explained, that a Stake of Zion, the initial of which we have seen organized in that of the Salt Lake Stake, is analogous to a county; and the High Council is a quorum of judges, in equity for the people, at the head of which is the President of the Stake, with his counselors.

The community grew so rapidly that before the close of the second year it was deemed wise to establish a constitutional secular government, and accordingly representatives of the people met in convention in the month of March, 1849, and formed the Provisional Government of the State of Deseret. A constitution was adopted, and delegates sent to Washington asking admission into the Union. Here is what they said:

"We, the people, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government by the name of the State of Deseret, including all the Territory of the United States within the following boundaries, to-wit: Commencing at the 33d degree of north latitude, where it crosses the 108th degree of longitude west from Greenwich; thence running south and west to the boundary of Mexico; thence west to and down the main channel of the Gila River (or the northern part of Mexico), and

on the northern boundary of Lower California to the Pacific Ocean; thence along the coast northwesterly to the 118th degree, 30th minute of west longitude; thence north to where said line intersects the dividing ridge of the Sierra Nevada Mountains to the dividing range of mountains that separates the waters flowing into the Columbia River from the waters running into the Great Basin on the south, to the summit of the Wind River chain of mountains; thence southeast and south by the dividing range of mountains that separates the waters flowing into the Gulf of Mexico from the waters flowing into the Gulf of California, to the place of beginning, as set forth in a map drawn by Charles Preuss, and published by order of the Senate of the United States, in 1848."

The Twelve, in their general epistle, under date, "Great Salt Lake City, March 9, 1849, thus explains this organic movement: "We have petitioned the Congress of the United States for the organization of a Territorial government here, embracing a territory of about seven hundred miles square, bounded north by Oregon, latitude 42 degrees, east by the Rio Grande Del Norte, south by the late lines between the United States and Mexico, near the latitude 32 degrees, and west by the sea coast and California Mountains. Until this petition is granted, we are under the necessity of organizing a local government for the time being, to consist of a governor, chief-justice, secretary, marshal, magistrates, etc. elected by the people: the election to take place next Monday."

Accordingly, on Monday, March 12th, 1849, this State election was held in Great Salt Lake City, resulting in the unanimous choice of Brigham Young as Governor; Willard Richards, Secretary; N. K. Whitney, Treasurer; Heber C. Kimball, Chief Justice; John Taylor and N. K. Whitney, Associate Justices; Daniel H. Wells, Attorney-General; Horace S. Eldredge, Marshal; Albert Carrington, Assessor and Collector of taxes; Joseph L. Heywood, Surveyor of Highways; and the Bishops of the several wards as Magistrates.

The first celebration in the mountains was held on the 24th of July, 1849—the second anniversary of the entrance of the Pioneers.

The following description of the celebration, by the "Chief Scribe," may be of interest to many:

"The inhabitants were awakened by the firing of cannon, accompanied by music. The brass band, playing martial airs, was then carried through the city, returning to the Bowery by seven o'clock. The Bowery is a building 100 feet long by 60 feet wide, built on 104 posts, and covered with boards; but for the services of this day a canopy or awning was extended about 100 feet from each side of the Bowery, to accommodate the vast multitude at dinner.

"At half-past seven the large national flag, measuring sixty-five feet in length, was unfurled at the top of the liberty pole, which is 104 feet high, and was saluted by the firing of six guns, the ringing of the Nauvoo bell, and spirit-stirring airs from the band.

"At eight o'clock the multitude were called together by music and the firing of guns, the Bishops of the several wards arranging themselves on the sides of the aisles, with the banners of their wards unfurled, each bearing some appropriate inscription.

"At a quarter past eight, the Presidency of the Stake, the Twelve, and the bands, went to prepare the escort in the following order, at the house of President Brigham Young, under the direction of Lorenzo Snow, J. M. Grant, and F. D. Richards:

"(1) Horace S. Eldredge, marshal, on horseback, in military uniform; (2) brass band; (3) twelve bishops bearing the banners of their wards; (4) seventy-four young men dressed in white, with white scarfs on their right shoulders, and coronets on their heads, each carrying in his right hand a copy of the Declaration of Independence and the Constitution of the United States, and each carrying a sheathed sword in his left hand; one of them carrying a beautiful banner, inscribed on it, 'The Zion of the Lord;' (5) twenty-four young ladies, dressed in white, with white scarfs on their right shoulders, and wreaths of white roses on their heads, each carrying a copy of the Bible and Book of Mormon, and one carrying a very neat banner, inscribed with 'Hail to our Captain;' (6) Brigham Young, Heber C. Kimball, Willard Richards, Parley P. Pratt, Charles C. Rich, John Taylor, Daniel Spencer, D. Fullmer, Willard Snow, Erastus Snow; (7) twelve Bishops, carrying flags of their wards; (8) twenty-four Silver Greys, led by Isaac Morley, Patriarch, each having a staff, painted red at the upper part, and a bunch of white ribbon fastened at the top, one of them carrying the Stars and Stripes, bearing the inscription, 'Liberty and Truth.'

"The procession started from the house at nine o'clock. The young men and young ladies sang a hymn through the streets, the cannon roared, the musketry rolled, the Nauvoo bell pealed forth its silvery notes, and the air was filled by the sweet strains of the brass band. On arriving at the Bowery the escort was received with shouts of 'Hosanna! to God and the Lamb!' While the Presidency, Patriarch, and presiding Bishops were passing down the aisle, the people cheered and shouted, 'Hail to the Governor of Deseret.' These being seated by the committee on the stand, the escort passed round the assembly, singing a hymn of praise, marched down the aisle, and were seated in double rows on either side. The assembly was called to order by Mr. J. M. Grant. On being seated, Mr. Erastus Snow offered up a prayer.

"Richard Ballantyne, one of the twenty-four young men, came to the stand, and, in a neat speech, presented the Declaration of Independence and the Constitution of the United States to President Young, which was received with three shouts, 'May it live forever,' led by the President.

"The Declaration of Independence was then read by Mr. Erastus Snow, the band following with a lively air.

"The clerk then read 'The Mountain Standard,' composed by Parley P. Pratt:—

> "Lo, the Gentile chain is broken,
> Freedom's banner waves on high.'

"After the above had been sung by the twenty-four young men and young ladies, Mr. Phinehas Richards came forward in behalf of the twenty-four aged sires in Israel, and read their congratulatory address on the anniversary of the day. At the conclusion of the reading, the assembly rose and shouted three times, 'Hosanna! hosanna! hosanna! to God and the Lamb, for-

ever and ever, Amen,' while the banners were waved by the Bishops. The band next played a lively air, and the clerk then rose and read an 'Ode on Liberty.'

"The ode was then sung by the twenty-four Silver Greys, to the tune of 'Bruce's Address to his Army.'

"The hour of intermission having arrived, the escort was re-formed, the Bishops of each ward collected the inhabitants of their respective wards together, and marched with them to the dinner tables, where several thousand of the Saints dined sumptuously on the fruits of the earth. Several hundred emigrants also partook of the repast, as did also three score Indians."

Orson Hyde, President of the Twelve Apostles, in the *Frontier Guardian*, published at Kanesville, Iowa, thus explains this first celebration, at which, it will have been noticed, the Declaration of American Independence was read: "Our people celebrated the 24th of July instead of the 4th, for two reasons—one was because that was the day on which Brother Young and the Pioneers first entered the valley; and the other was, they had little or no bread, or flour to make cakes, etc., that early, and not wishing to celebrate on empty stomachs, they postponed it until their harvest came in."

The explanation of Apostle Hyde has historical pertinence, when it is remembered that in the Spring of this year the community were put on rations; it was this very harvest of 1849, that saved the people from a continuance of the famine, caused by the destruction of the crops by the grasshoppers in 1848.

Here a passage of history seems due to the soldiers of the Mormon Battalion, relative to their connection with the early times of California, and the finding of gold, which largely tended to the rapid growth of Great Salt Lake City and started its currency.

On being discharged from the United States service, four of the Mormon Battalion found employ with Mr. Thomas Marshall, in digging Captain Sutter's mill race, on the Sacramento River. One day these brethren were attracted by the mysterious movements of their foreman, Mr. Marshall, whom they partly surprised in the act of washing something which his shovel had just turned up. That something was gold! The discovery was at once shared by Mr. Marshall and his men. Of course, at first there was some secresy preserved, but such a discovery could not be long hid, and soon the Mormons of California, both those of the Battalion and those who sailed to the Bay of San Francisco with Mr. Samuel Brannan in the ship *Brooklyn*, were working in the gold diggings. So that notwithstanding Mr. Marshall's shovel brought the initial glitter of California gold to light, it was the shovels of Mormon Elders that spread the golden tidings to the world.

No sooner was the discovery bruited than the whole civilized world seemed flocking to the new El Dorado. Scarcely a nation but sent its adventurous spirits to the paradise of gold. From the American States themselves came colony after colony pouring daily towards the west. Gold was the incentive at first, but as that wondrous emigrational tide swelled, it became more like the migration of a dominant race for the purpose of founding a new empire. This did finally become the proper character of the movement.

The best blood of America was in those emigrant companies, and they took

with them enough resources to found a new State; but there was no "royal road" to the land of gold; fifteen hundred miles then intervened between the western frontier of the States and Great Salt Lake City. The Mormon Zion became the "half-way house" of the nation.

But the ambitious and spirited emigrants to California could not endure the tedious journey as the Saints had done. Before they reached the mountains they began to leave fragments of their richly-laden trains by the wayside. All along the route was strewn valuable freight, with the ruins of wagons and the carcasses of oxen and mules.

By the time the gold-seekers reached the valley of the Great Salt Lake, they were utterly impatient and demoralized. Many had loaded their trains with clothing, dry goods, general merchandise, mechanics' tools and machinery, expecting to find a market where gold was dug and a new country to be settled. But the merchant, alike with the adventurer, was at last subdued by the contagion of the gold fever, and provoked into a mania of impatience by the tedious journey. News also reached the overland emigrants that steamers, laden with merchandise had sailed from New York to California. The speculations of the merchants lost their last charm. That which was destined for California was left in Utah. In absolute disgust for their trains of merchandise and splendid emigrant outfits, they gave the bulk to the Mormons at their own price, and for the most ordinary means of barter. A horse or a mule outfit to carry the gold-hunter quickly to his destination, was taken as an equivalent for wagons, cattle, and merchandise.

Parley P. Pratt, writing to his brother Orson under date July 8th, 1849, says:

"The present travel through this place, or near it, will, it is thought, amount to some thirty or forty thousand persons. All will centre here another year, as much of it does this year. This employs blacksmiths, pack-saddlers, washing, board, etc., and opens a large trade in provisions, cattle, mules, horses, etc. Scores or hundreds of people now arrive here daily, and all stop to rest and re-fit."

The *Frontier Guardian*, giving the news of the arrival of the gold-seekers in Great Salt Lake City related the story thus: "The valley has been a place of general deposit for property, goods, etc., by Californians. When they saw a few bags and kegs of gold dust brought in by our boys, it made them completely enthusiastic. Pack mules and horses that were worth twenty-five dollars in ordinary times, would readily bring two hundred dollars in the most valuable property at the lowest price. Goods and other property were daily offered at auction in all parts of the city. For a light Yankee wagon, sometimes three or four great heavy ones would be offered in exchange, and a yoke of oxen thrown in at that. Common domestic sheeting sold from five to ten cents per yard by the bolt. The best of spades and shovels for fifty cents each. Vests that cost in St. Louis one dollar and fifty cents each, were sold at Salt Lake for thirty-seven and one half cents. Full chests of joiner's tools that would cost one hundred and fifty dollars in the East, were sold in Salt Lake City for twenty-five dollars. Indeed, almost every article, except sugar and coffee, were selling on an average fifty per cent. below wholesale prices in the eastern States."

In the fall, a company of Mormon Elders started from Salt Lake City, designing to work for awhile in the gold mines, after which some were to proceed on missions to the Sandwich Islands. The company consisted of General Charles C. Rich, Major Hunt of the Mormon Battalion, Captain Flake, captain of the company, George Q. Cannon, Joseph Cain, Thomas Whittle, Henry E. Gibson and other prominent Mormons. This was the first company that undertook to go to California by the southern route. The expedition started with only about thirty days' provisions; yet sixty days on the road were passed before the first settlement was reached. The men went with pack animals. In crossing the desert they had often to turn back and re-take up their march in some other direction, which made the journey very long and severe, killing nearly all of their animals, so that the last three hundred and fifty miles were mostly performed on foot. But it was a fine company of men, and they were enabled to survive one of the hardest journeys ever made to the State of California.

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## CHAPTER VIII.

ARRIVAL OF CAPTAIN STANSBURY. HIS INTERVIEW WITH GOVERNOR YOUNG GOVERNMENT SURVEY OF THE LAKES. COMMENCEMENT OF INDIAN DIFFICULTIES.

In August of that year (1849) Captain Howard Stansbury, of the United States Army Topographical Engineers, with his assistants, arrived in the valley for the purpose of making a government survey of the lakes. He was accompanied by Lieutenant Gunnison who was, like Captain Stansbury, one of the earliest and most intelligent writers upon the Utah community. Of his arrival, Captain Stansbury thus reports to the chief of his department:

"Before reaching Great Salt Lake City, I had heard from various sources that much uneasiness was felt by the Mormon community at my anticipated coming among them. I was told that they would never permit any survey of their country to be made; while it was darkly hinted that if I persevered in attempting to carry it on, my life would scarce be safe. Utterly disregarding, indeed, giving not the least credence to these insinuations, I at once called upon Brigham Young, the President of the Mormon Church and the Governor of the Commonwealth, stated to him what I had heard, explained to him the views of the Government in directing an exploration and survey of the lake, assuring him that these were the sole objects of the expedition. He replied, that he did not hesitate to say that both he and the people whom he presided over had been very much disturbed and surprised that the Goverument should send out a party into their country so soon after they had made their settlement; that he had heard of the expedition from time to time, since its onset from Fort Leavenworth; and

that the whole community were extremely anxious as to what could be the design of the Government in such a movement. It appeared, too, that their alarm had been increased by the indiscreet and totally unauthorized boasting of an attache of General Wilson, the newly appointed Indian agent for California, whose train on its way thither had reached the city a few days before I myself arrived. This person, as I understood, had declared openly that General Wilson had come clothed with authority from the President of the United States to expel the Mormons from the lands which they occupied, and that he would do so if he thought proper. The Mormons very naturally supposed from such a declaration that there must be some understanding or connection between General Wilson and myself; and that the arrival of the two parties so nearly together was the result of a concerted and combined movement for the ulterior purpose of breaking up and destroying their colony. The impression was that a survey was to be made of their country in the same manner that other public lands are surveyed, for the purpose of dividing into townships and sections, and of thus establishing and recording the claims of the Government to it, and thereby anticipating any claim the Mormons might set up from their previous occupation. However unreasonable such a suspicion may be considered, yet it must be remembered that these people are exasperated and rendered almost desperate by the wrongs and persecutions they had previovsly suffered in Illinois and Missouri; that they had left the confines of civilization and fled to these far distant wilds, that they might enjoy undisturbed the religious liberty which had been practically denied them: and that now they supposed themselves to be followed up by the General Government with the view of driving them out from even this solitary spot, where they had hoped they should at length be permitted to set up their habitation in peace.

"Upon all these points I undeceived Governor Young to his entire satisfaction. I was induced to pursue this conciliatory course, not only in justice to the Government, but also because I knew, from the peculiar organization of this singular community, that, unless the 'President' was fully satisfied that no evil was intended to his people, it would be useless for me to attempt to carry out my instructions. He was not only civil Governor, but the President of the whole Church of Latter-day Saints upon the earth, their prophet and their priest, receiving, as they all firmly believed, direct revelations of the Divine will, which, according to their creed, form the law of the Church. He is, consequently, profoundly revered by all, and possesses unbounded influence and almost unlimited power. I did not anticipate open resistance; but I was fully aware that if the President continued to view the expedition with distrust, nothing could be more natural than that every possible obstruction should be thrown in our way by a 'masterly inactivity.' Provisions would not be furnished; information would not be afforded; labor could not be procured; and no means would be left untried, short of open opposition, to prevent the success of a measure by them deemed fatal to their interests and safety. So soon, however, as the true object of the expedition was fully understood, the President laid the subject-matter before the council called for that purpose, and I was informed, as the result of their deliberations, that the authorities were much pleased that the explora-

tion was to be made; that they had themselves contemplated something of the kind, but did not yet feel able to incur the expense; but that any assistance they could render to facilitate our operations would be most cheerfully furnished to the extent of their ability. This pledge, thus heartily given, was as faithfully redeemed; and it gives me pleasure here to acknowledge the warm interest manifested and efficient aid rendered, as well by the President as by all the leading men of the community, both in our personal welfare and in the successful prosecution of the work.

"Matters being thus satisfactorily adjusted, as the provisions which had been laid in at the beginning of the journey were nearly exhausted, I left the city on the 12th of September, with teams and pack-mules, for Fort Hall, to procure the supplies for the party which had been forwarded to that post by the supply train attached to Colonel Loring's command; and at the same time to carry out that portion of my instructions which directed me to explore a route for a road from the head of Salt Lake to Fort Hall. The main party was left under the command of Lieutenant Gunnison, with instructions to commence the survey upon the basis already laid down."

Returning from his exploration of a route from Great Salt Lake City to Fort Hall, and reconnoissance of Cache Valley, Captain Stansbury continues a narrative intimately connected with the early history of this city. He says:

"Upon my arrival at Salt Lake City, I found that the camp, under Lieutenant Gunnison, was then about sixty miles to the southward, upon Utah Lake. I accordingly joined him as soon as possible. The work, during my absence, had been carried forward by that officer with energy, industry and judgment.

"I had hoped, from the representations which had been made to me of the mildness of the two previous winters, that we should be able to keep the field the greater part, if not the whole of the season; but, in the latter part of November, the winter set in with great and unusual severity, accompanied by deep snows, which rendered any farther prosecution of the work impracticable. I was therefore compelled to break up my camp, and to seek for winter quarters in the city. These were not obtained without some difficulty, as the tide of emigration had been so great that houses were very scarce, and not a small portion of the inhabitants, among whom was the president himself, were forced to lodge portions of their families in wagons.

"Upon terminating the field-work for the season, I despatched three men, one of whom was my guide and interpreter, with a small invoice of goods, to trade for horses among the Uintah Utahs, with directions to await my orders at Fort Bridger. Reports afterward reached us that a bloody fight had taken place between the Sioux and the Yampah Utahs, which latter tribe reside in the vicinity of the Uintahs, and great fears were entertained that the little party had been cut off by one or the other of the contending tribes. Such a calamity, aside from the loss of life, would have been of serious consequence to the expedition, as the horses I expected to obtain were almost indispensable to the return of the party to the States, the number of our animals having been much diminished by death and robbery.

"It may as well be mentioned here, that the party thus despatched subse-

quently joined me in the spring, as soon as the melting of the snows rendered communication with Fort Bridger practicable, bringing with them a drove of twenty-five horses. They had met with very rough usage from the Indians, having been robbed of a number of their horses, besides the whole of what remained of their goods and narrowly escaped with their lives.

"From the report by Lieutenant Gunnison of his operations during my absence, I make the following synopsis.

"A thorough exploration was made, with the view of ascertaining the points for such a base line as would best develop a system of triangles embracing both the Salt Lake and Utah Valleys.

"A line was selected, and carefully measured by rods constructed for the purpose, and tripod stations erected over the termini, which were marked by metal points set in wooden posts sunk flush with the surface of the ground. The length of the base is thirty-one thousand six hundred and eighty feet.

"Fourteen principal triangulation stations were erected, consisting of large pyramidal timber tripods, strongly framed, to be covered, when required for use, by cotton cloth of different colors, according to the background. The triangles extended to the south shore of Utah Lake, and embraced an area of about eighty by twenty-five miles.

"A survey and sounding had been made of the Utah Lake, and also of the river connecting it with Salt Lake: this operation requiring a line to be run of one hundred and twenty-six miles, principally by the back angle, with the theodolite.

"Although such a result, from less than two months' labor, would be entirely satisfactory under ordinary circumstances anywhere, and would reflect credit on the energy and capacity of the officer in charge of the work, yet it may be remarked that it would be very unfair to judge of it by a comparison with similar results obtained in the Eastern States. There, all the accessories to such a work, especially water and timber, are abundant, and generally at a convenient distance: here, on the contrary, both are very scarce and hard to be obtained. All the water, for instance, used both for cooking and drinking, that was consumed on the base line, (requiring seven days of incessant labor in its measurement,) had to be transported upon mules from the river, which lay a mile east of its eastern terminus; and the force employed in the erection of most of the triangulation stations had to be supplied in a like manner. But the principal difficulty was the scarcity of timber. Wood grows nowhere on the plains; all the wood used for cooking in camp, and all the timber, both for posts on the base line and for the construction of the stations, had to be hauled from the mountains in many cases fifteen or twenty miles distant, over a rough country without roads. Almost every stick used for this purpose cost from twenty to thirty miles travel of a six-mule team. This, together with the delays of getting into the canyons, where alone the timber can be procured, cutting down the trees, and hauling them down the gorges by hand to the nearest spots accessible to the teams, involved an amount of time and labor which must be experienced before it can be appreciated. All this had to be done, however, or the prosecution of the work would have been impracticable.

"Before leaving the Salt Lake City for Fort Hall, I had engaged the services of Albert Carrington, Esq., a member of the Mormon community, who was to act as an assistant on the survey. He was without experience in the use of instruments; but, being a gentleman of liberal education, he soon acquired, under instruction, the requisite skill, and, by his zeal, industry, and practical good sense, materially aided us in our subsequent operations. He continued with the party until the termination of the survey, accompanied it to this city, [Washington] and has since returned to his mountain home, carrying with him the respect and kind wishes of all with whom he was associated.

"The winter season in the valley was long and severe. The vicinity of so many high mountains rendered the weather extremely variable; snows fell constantly upon them, and frequently to the depth of ten inches in the plains. In many of the canyons it accumulated to the depth of fifty feet, filling up the passes so rapidly that, in more than one instance, emigrants who had been belated in starting from the States, were overtaken by the storms in the mountain gorges, and forced to abandon every thing, and escape on foot, leaving even their animals to perish in the snows. All communication with the world beyond was thus effectually cut off; and, as the winter advanced, the gorges became more and more impassable, owing to the drifting of the snow into them from the projecting peaks.

"We remained thus shut up until the 3d of April. Our quarters consisted of a small unfurnished house of unburnt brick or adobe, unplastered, and roofed with boards loosely nailed on, which, every time it stormed, admitted so much water as called into requisition all the pans and buckets in the establishment to receive the numerous little streams which came trickling down from every crack and knot-hole. During this season of comparative inaction, we received from the authorities and citizens of the community every kindness that the most warm-hearted hospitality could dictate: and no effort was spared to render us comfortable as their own limited means would admit. Indeed, we were much better lodged than many of our neighbors; for, as has been previously observed, very many families were obliged still to lodge wholly or in part in their wagons, which, being covered, served, when taken off from the wheels and set upon the ground, to make bedrooms, of limited dimensions it is true, but yet exceedingly comfortable. Many of these were comparatively large and commodious, and, when carpeted and furnished with a little stove, formed an additional apartment or back building to the small cabin, with which they frequently communicated by a door. It certainly argued a high tone of morals and an habitual observance of good order and decorum, to find women and children thus securely slumbering in the midst of a large city, with no protection from midnight molestation other than a wagon-cover of linen and the ægis of the law. In the very next enclosure to that occupied by our party, a whole family of children had no other shelter than one of these wagons, where they slept all the winter, literally out of doors, there being no communication whatever with the inside of their parents' house."

Stansbury's report to the Government also supplies the initial pages of the Indian history of Utah. He says:

"The native tribes with whom we came in contact in the valley were the most degraded and lowest in the scale of being of any I had ever seen. They consisted of the 'root-diggers,' a class of Indians which seemed to be composed of outcasts from their respective tribes, subsisting chiefly upon roots dug from the ground, and the seeds of various plants indigenous to the soil, which they grind into a kind of flour between two flat stones. Lizards and crickets also form a portion of their food. At certain seasons of the year they obtain from the tributaries of both the Salt Lake and Lake Utah, a considerable quantity of fish, which they take in weirs or traps, constructed of willow bushes. Those that we saw were branches of the Shoshones or Snakes, and from the large and warlike tribe of Utahs, which latter inhabit a large tract of country to the southward. They are known among the traders by the designation of 'snake-diggers,' and 'Utes;' those of the latter tribe, which inhabit the vicinity of the lakes and streams and live chiefly on fish, being distinguished by the name of 'Pah Utahs,' or 'Pah Utes,'—the word Pah, in their language, signifying water.

"While engaged in the survey of the Utah Valley, we were no little annoyed by numbers of the latter tribe, who hung around the camp, crowding around the cook-fires, more like hungry dogs than human beings, eagerly watching for the least scrap that might be thrown away, which they devoured with avidity and without the least preparation. The herdsmen also complained that their cattle were frequently scattered, and that notwithstanding their utmost vigilance, several of them had unaccountably disappeared and were lost. One morning, a fine fat ox came into camp with an arrow buried in his side, which perfectly accounted for the disappearance of the others.

"After the party left Lake Utah for winter quarters in Salt Lake City, the Indians became more insolent, boasting of what they had done—driving off the stock of the inhabitants of the southern settlements, resisting all attempts to recover them, and finally firing upon the people themselves as they issued from their little stockade to attend to their ordinary occupations. Under these circumstances, the settlers in the Utah Valley applied to the supreme government, at Salt Lake City, for counsel as to the proper course of action. The President was at first extremely averse to the adoption of harsh measures; but, after several conciliatory overtures had been resorted to in vain, he very properly determined to put a stop, by force, to further aggressions, which, if not resisted, could only end in the total destruction of the colony. Before coming to this decision, the authorities called upon me to consult as to the policy of the measure, and to request the expression of my opinion as to what view the Government of the United States might be expected to take of it. Knowing, as I did, most of the circumstances, and feeling convinced that some action of the kind would ultimately have to be resorted to, as the forbearance already shown had been only attributed to weakness and cowardice, and had served but to encorage further and bolder outrages, I did not hesitate to say to them that, in my judgment, the contemplated expedition against these savage marauders was a measure not only of good policy, but one of absolute necessity and self-preservation. I knew the leader of the Indians to be a crafty and blood-thirsty savage, who had been already guilty of several murders, and had openly threatened that he would kill every white man that he

found alone upon the prairies. In addition to this, I was convinced that the completion of the yet unfinished survey of the Utah Valley, the coming season, must otherwise be attended with serious difficulty, if not actual hazard, and would involve the necessity of a largely increased and armed escort for its protection. Such being the circumstances, the course proposed could not but meet my entire approval.

"A force of one hundred men was accordingly organized, and, upon the application of President Young, leave was given to Lieutenant Howland, of the Mounted Rifles, then on duty with my command, to accompany the expedition as its adjutant: such assistance also was furnished as it was in my power to afford, consisting of arms, tents, camp-equipage, and ammunition.

"The expedition was completely successful. The Indians fought very bravely, but were finally routed, some forty of them killed, and as many more taken prisoners; the latter, consisting principally of women and children, were carried to the city and distributed among the inhabitants, for the purpose of weaning them from their savage pursuits, and bringing them up in the habits of civilized and Christian life. The experiment, however, did not succeed as was anticipated, most of the prisoners escaping upon the very first opportunity.

"On the 22d of February, about three P. m., a slight shock of an earthquake was felt in the southern part of the city, the vibrations being sufficient to shake plates from the shelves and to disturb milk in the pans."

The historical importance of the first Indian expedition of this Territory, which was the beginning of the organization of the Utah militia, calls for the following supplementary pages to Captain Stansbury's report.

The organization of a militia for the protection of these colonies in an Indian country was an imperative necessity, and to Daniel H. Wells, who had already distinguihsed himself in military affairs, was given the task of creating it, and the rank of Lieutenant-General was conferred upon him by the Governor. The first company organized was under the command of Captain George D. Grant, who was afterwards Brigadier-General. They were called "Minute Men," a name which soon became famous in the Indian service throughout Utah. The company originated in Great Salt Lake City, and from time to time it was called out to the relief of those colonies which were sent from the parent colony to explore and populate the country. The first engagement of any importance was on the spot where the city of Provo now stands; there had, however, occurred a slight affray at Battle Creek, at which Colonel John Scott commanded, but none were killed on either side. On the call by Governor Young for one hundred mounted men General Wells immediately dispatched a company of fifty under the command of Captain George D. Grant. Among the subordinate officers were William H. Kimball, James A. Little, James Ferguson and Henry Johnson, the two latter having been officers in the Mormon Battalion; and among the privates were such men as Robert T. Burton, Lot Smith, Ephraim Hanks, Jesse Martin, Orson Whitney, and others who afterwards figured prominently in the Utah militia.

The second fifty was forwarded under the command of Captain Lytle, who was an officer in the Mormon Battalion.

The company under the command of Captain George D. Grant started from Great Salt Lake City on the 7th day of February. The men marched all night in the snow for the purpose of coming upon the Indians unawares. The weather was intensely cold; from ten to twelve inches of snow covered the entire Utah Valley. They arrived early in the morning of the 8th, having suffered severely on the march from the inclement weather.

The Indians had fortified themselves on the Provo River. They were encamped in a bend of the river bottom, under a low bluff, from which the ground receded to the river. All this bottom, at that time, was covered with willow brush and cottonwod timber, some of the latter having been cut down by them to construct their fortifications.

These Indians were of a warlike tribe, under the command of Old Elk, and not of the lower class of which Stansbury speaks. There were about seventy warriors, possessing arms equal to those of the expedition sent out against them,—their arms having been obtained from the mountaineers, traders, and settlers. Their squaws and children were sent into the canyons, while the warriors thus strongly fortified awaited the attack. They also held possession of a double log house. The settlers had retired to the shelter of their fort, but some of them joined the assailants on their arrival and did effective service in the defence of their city.

Thus fortified, the Indian warriors kept the militia at bay till the evening of the second day, before the latter obtained any decided advantage. Meantime the Indians had killed one and wounded five or six. They frequently sallied out from their entrenchments, delivered their fire, then quickly retreated to the brush. At length Lieutenant Howland, of Stansbury's command, suggested a moveable battery, which was forthwith constructed of plank, laid up edgewise on the top of runners, over which were thrown camp blankets and buffalo robes. This battery was handled by the assailants effectively, and pushed towards the Indian line of defence. On the afternoon of the second day, a small company of cavalry (sixteen in number) was ordered by Captain Grant to make a charge upon the Indian quarters, and especially to get possession of the log house, previously referred to, from which the Indians had greatly annoyed the men. The little company of cavalry made a dashing charge, but were met with such a volley of fire, wounding two or three of their number, that the impetuosity of the charge was for a moment checked, but Burton and Lot Smith, dashing on, succeeded in riding their horses into the passage that divided the rooms of the double log house, of which they took possession, the Indians having deserted it at the onslaught. The Indians, recovering from the surprise of the charge, fired on the remainder of the detachment with such violence that the men had to take shelter under the end of the house, but seven or eight of their best horses were shot down in a very few minutes. Between the firing the men got into the house, upon which the Indians continued to fire for several hours. In this company of sixteen picked men were Lot Smith, Robert T. Burton, William H. Kimball, Jas. Ferguson, Ephraim Hanks, Henry Johnson, Isham Flyn, (who was wounded,) Orson Whitney, and eight others whose names we have not been able to obtain.

This charge was complimented by Lieutenant Howland as being as fine as

regular cavalry would make. It gave the advantage of the engagement into the hands of the militia; for the Indians retired in the night after the charge, leaving their dead on the ground, carrying their wounded with them; but before their retreat they supplied themselves abundantly with the horse beef.

So much bravery was exhibited by the Indians, and such a desperate defence made, that despatches had been sent to Great Salt Lake City, repeatedly requesting General Wells to come and take personal command, which he did, but arrived after the second day's engagement. There was afterwards quite an engagement on the south end of Utah Lake, at which General Wells was present and had personal command.

Captain Stansbury omitted to mention that Dr. Blake, of his command, was in this expedition, but his presence and services to the wounded have been remembered and gratefully acknowleged by the commanding officers of the old Minute Men. And it is worthy of note that it was this very expedition which brought out the men who have since figured as generals of the Utah militia. In it Lot Smith and Robert T. Burton for the first time met, and with that charge together on the log house began the life long friendship of these two men who, next to the Lieutenant-General, Daniel H. Wells, have figured the most conspicuously in the military history of Utah.

Having completed their surveys and explorations, the topographical engineers left the City of the Great Salt Lake for home on the 28th of August, 1850, Stansbury, closing the record of his sojourn among the founders of this Territory, with the following tribute to them:

"Before taking leave of the Mormon community, whose history has been the subject of no little interest in the country, I cannot but avail myself of the opportunity again to acknowledge the constant kindness and generous hospitality which was ever extended to the party during the sojourn of rather more than a year among them. The most disinterested efforts were made to afford us, both personally and officially, all the aids and facilities within the power of the people, as well to forward our labors as to contribute to our comfort and enjoyment. Official invitations were sent by the authorities to the officers of the party, while engaged in distant duty on the lake, to participate in the celebration of their annual jubilee, on the 24th of July, and an honorable position assigned them in the procession on that occasion. Upon our final departure, we were followed with the kindest expressions of regard, and anxious hopes for the safety and welfare of the party upon its homeward journey."

## CHAPTER IX.

INCORPORATION OF GREAT SALT LAKE CITY. ITS ORIGINAL CHARTER. THE FIRST CITY COUNCIL AND MUNICIPAL OFFICERS. ORGANIZATION OF THE TERRITORY. ARRIVAL OF THE NEWS OF GOVERNOR YOUNG'S APPOINTMENT. DISSOLUTION OF THE STATE OF DESERET. GOVERNOR'S PROCLAMATION. LEGALIZING THE LAWS PASSED BY THE PROVISIONAL GOVERNMENT. CORRESPONDENCE BETWEEN COLONEL KANE AND PRESIDENT FILLMORE. STANSBURY'S VOUCHER FOR BRIGHAM YOUNG.

The cities of Utah needing their due municipal orders, and having waited so long for the action of Congress, the Governor and the General Assembly of the State of Deseret, at the opening of the year 1851, effected the incorporation of the cities of Great Salt Lake, Ogden, Provo, Manti and Parowan. The following is the original charter of Great Salt Lake City, entitled

"AN ORDINANCE TO INCORPORATE GREAT SALT LAKE CITY.

"SEC. 1. *Be it ordained by the General Assembly of the State of Deseret*: That all that district of country embraced in the following boundaries, to wit:—beginning at the southeast corner of the Church Pasture, about half a mile north of the Hot Spring; thence west to the west bank of the Jordan River; thence south, up the west bank thereof, to a point in said bank directly west from the southwest corner of the five-acre lots, south of said city; thence east to the aforesaid southwest corner of said five-acre lots, and along the south line thereof; thence east to the base of the mountains; thence directly north to the point directly east of the southeast corner of the Church Pasture; thence west to the place of beginning:—including the present survey of said city, shall be known and designated as Great Salt Lake City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

"SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase receive and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

SEC. 3. There shall be a City Council, to consist of a Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified.

The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 4. The Mayor, Aldermen, and Councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one Mayor, four Aldermen, and nine Councilors; and at the first election under this ordinance, three judges shall be chosen, *viva voce*, by the electors present. The said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned, a certificate of which oath shall be deposited with the Recorder, whose appointment is hereinafter provided for, and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

SEC. 6. All free white male inhabitants of the age of eighteen years, who are entitled to vote for State officers, and who shall have been actual residents of said city sixty days next preceeding said election, shall be entitled to vote for city officers.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be provided by ordinance, not repugnant to the Constitusion of the United States, or of this State.

SEC. 8. The City Council shall have power to appoint a Recorder, Treasurer, Assessor and Collector, Marshal and Supervisor of Streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

SEC. 9. The City Council shall have power to require of all officers appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient,

and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city; for the protection of property therein, from destruction of property by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines, not exceeding one hundred dollars for each offense, as they may deem just, for refusing to accept any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

SEC. 11. To establish, support and regulate common schools; to borrow money on the credit of the city,—provided that no sum or sums of money be borrowed on a greater interest than six per cent. per annum,—nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue, arising from taxes assessed on real estate within this corporation.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and enforce the same.

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

SEC. 15. To provide the City with water, to dig wells, lay pump logs, and pipes, and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes, and alleys; and to establish, erect and keep in repair aqueducts and bridges.

SEC. 17. To provide for lighting of the streets, and erecting lamp posts; and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

SEC. 18. To provide for erecting all needful buildings for the use of the City; and for enclosing, improving, and regulating all public grounds belonging to the City.

SEC. 19. To license, tax and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

SEC. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property; as also to license and regulate porters, and fix the rates of porterage.

SEC. 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls, and other partition fences.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.

SEC. 27. To provide for the inspection and measuring of lumber and and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 28. To provide for the inspection and weighing of hay, lime and stone coal, and measuring of charcoal, firewood, and other fuel, to be sold or used within the City.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer and whisky, brandy, and all other spirituous or fermented liquors.

SEC. 30. To regulate the weight, quality, and price of bread sold and used in the City.

SEC. 31. To provide for taking the enumeration of the inhabitants of the City.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered under this or any city ordinance.

SEC. 33. The City Council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling.

SEC. 34. The City Council shall have exclusive power within the City, by ordinance, to license, regulate, or restrain the keeping of ferries, and toll bridges; to regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this ordinance, provided such ordinances are not repugnant to the Constitution of the United States, or of this State.

SEC. 35. All ordinances passed by the City Council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said

City, or certified copies thereof, be posted up in three of the most public places in the City.

SEC. 36. All ordinances of the City may be proven by the seal af the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts, or places, without further proof.

SEC. 37. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace within said city, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor.

SEC. 38. The Mayor and Aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court, under such regulations as may be prescribed by ordinance; which court shall be composed of the Mayor as chief justice, and the Aldermen as associate justices; and from the final judgment of the Municipal Court to the Probate Court of Great Salt Lake County, in the same manner as appeals are taken from the justices of the peace; provided that the parties litigant shall have a right to a trial by jury of twelve men in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of *habeas corpus*, and try the same, in all cases arising under the ordinances of the City Council.

SEC. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such times and places as may be prescribed by city ordinance, special meetings of which may at any time be called by the Mayor or any two Aldermen.

SEC. 40. All process issued by the Mayor, Aldermen, or Municipal Court shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said City, and shall be the principal ministerial officer.

SEC. 41. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said City, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor; to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall

cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the City.

SEC. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

SEC. 44. In case the Mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Great Salt Lake County, and on conviction he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fine and forfeitures which may be recovered against them.

SEC. 46. The inhabitants of Great Salt Lake City shall, from and after the next ensuing two years, from the first Monday of April next, be exempt from working on any road or roads, beyond the limits of said City. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of, the supervisor of streets, within the limits of said City.

SEC. 47. The Mayor, Aldermen, and Councilors of said City shall, in the first instance, be appointed by the Governor and Legislature of said State of Deseret; and shall hold their office until superseded by the first election.

Approved January 9th, 1851.

The first municipal Council of Great Salt Lake City was composed of Jedediah M. Grant, Mayor; Nathaniel H. Felt, William Snow, Jesse P. Harmon and Nathaniel V. Jones, Aldermen; Vincent Shurtliff, Benjamin L. Clapp, Zera Pulsipher, William G. Perkins, Harrison Burgess, Jeter Clinton, John L. Dunyon and Samuel W. Richards, Councilors.

The City Council met pursuant to notice from the clerk of Great Salt Lake County. The members having been severally sworn in by the county clerk "to observe the Constitution of the United States and of this State," organized in due form.

The ordinance incorporating Great Salt Lake City was then read by the clerk of the county, when the Mayor informed the Council that it would be necessary to appoint a Recorder, Treasurer and Marshal of the city: whereupon Robert Campbell was appointed Recorder, and Elam Luddington Marshal and Assessor and Collector of Great Salt Lake City. Afterwards Leonard W. Hardy was appointed Captain of the City police.

At the afternoon's session committees were appointed to formulate governmental methods for the City. Enquiry was made relative to the disposition of

taxes, when it was stated that the State taxes would be applied as formerly for State purposes, and that a city tax of one-half of one per cent. should be levied for city purposes.

The Mayor brought forward the subject of dividing the City into municipal wards.

The county clerk then submitted a city plot to the council, and the following municipal wards were laid out from the map, and their proper boundaries designated:

First Ward: bounded on the north by Third South Street; west, by East Temple Street; south, by southern limits; east, by eastern limits: Alderman, Jesse P. Harmon. Second Ward: east, by East Temple Street; south, by southern limits; west, by Jordan River; north, by South Temple Street: Alderman, N. V. Jones. Third Ward: east, by East Temple Street; south, by South Temple Street; west, by Jordan River; north, by northern limits: Alderman, Nathaniel H. Felt. Fourth Ward: east, by eastern limits; south, by Third South Street; west, by East Temple Street; north, by northern limits: Alderman, William Snow.

The Mayor instructed the Marshal and Collector to proceed to assessing property and levying taxes. The Council then adjourned.

In April the first municipal election for Great Salt Lake City was held, as provided for by the charter, and the following members were returned:

Mayor; Jedediah M. Grant; Aldermen: Nathaniel Felt, William Snow, J. P. Harmon, N. V. Jones; Councilors: Lewis Robinson, Robert Pierce, Zera Pulsipher, Wm. G. Perkins, Jeter Clinton, Enoch Reese, Harrison Burges, Samuel W. Richards, Vincent Shurtliff.

In the meantime Congress had passed an act, approved on the 9th of September, 1850, organizing the Territory of Utah within the following limits: "Bounded on the west by the State of California; on the north by the Territory of Oregon; on the east by the summits of the Rocky Mountains; and on the south by the 37th parallel of north latitude: with the proviso that Congress should be at liberty, when it might be deemed "convenient and proper" to cut it up into two or more Territories, or to attach any portion of it to any other State or Territory. On the 28th of the same month, President Fillmore, "with the advice and consent of the Senate," appointed Brigham Young Governor of Utah; B. D. Harris, of Vermont, Secretary; Joseph Buffington, of Pennsylvania, Chief Justice; Perry E. Brocchus, of Alabama, and Zerubbabel Snow, of Ohio, Associate Justices; Seth M. Blair, of Utah, United States Attorney; and Joseph L. Heywood, of Utah, United States Marshal; but Mr. Buffington declining the office of Chief Justice, Lemuel G. Brandebury was appointed in his stead.

The postal communication between Washinton and Great Salt Lake City at this period being scarcely opened, an interval of six months passed before the news officially reached Utah. It came first unofficially by way of California, brought by a portion of that same company which explored the southern route to California in the fall of 1849. The returning company consisted of Major Hunt, of the Mormon Battalion, Mr. Henry E. Gibson and five others. To bear the important news, they started on Christmas day, and travelled with pack animals from

Los Angelos to Great Salt Lake City. Major Hunt stopped at his home on the way; but Mr. Gibson posted on to Great Salt Lake City, where he arrived on the 27th of January, and presented to Governor Young published reports, in Eastern papers, of the passage of the Organic Act that created Utah a Territory. The news being certain and so many months having passed since the passage of the act and his own appointment, Governor Young at once took the oath of office, on the 3d of February, 1851; and on the 26th of March he issued the following special message to the General Assembly of the State of Deseret:

*Gentlemen*:—Whereas the Congress of the United States passed an Act. September 9th, 1850, and received the approval of the President to "establish a Territorial Government for Utah," and made appropriations for erecting public buildings for said Territory, etc.; the appointments under said law also having been made, official announcement of which has not as yet been received, but is shortly expected; sufficient intelligence, however, has been received to justify us in preparing for the adoption and organization of the new Government under said Act.

I have therefore thought proper to suggest to you, previous to your final adjournment, the propriety of making such arrangements, as in wisdom you may consider necessary, in view of the aforesaid Act of Congress, that as little inconvenience as possible may arise in the change of governmental affairs, and in relation to the organization of the Territorial Government for erecting public buildings for said territory, etc.

And now, upon the dissolving of this Legislature, permit me to add, the industry and unanimity which have ever characterized your efforts, and contributed so much to the pre-eminent success of this government, will, in all future time, be a source of gratification to all; and whatever may be the career and destiny of this young, but growing republic, we can ever carry with us the proud satisfaction of having erected, established, and maintained a peaceful, quiet, yet energetic government, under the benign auspices of which, unparalleled prosperity has showered her blessings upon every interest.

With sentiments of the highest esteem and gratitude to the Giver of all good for His kind blessings, I remain,

Respectfully yours,

BRIGHAM YOUNG, Governor.

Great Salt Lake City, Utah Territory,
March 26th, 1851.

The Legislature of Deseret, in joint session, March 28th, 1851, unanimously passed the following Preamble and Resolutions, pertaining to the organization of a Territorial Government for Utah:—

PREAMBLE.

*Whereas*, in the winter and spring of the year of our Lord, 1849, the people of this territory did form and establish a Provisional State Government, until the United States Congress should otherwise provide by law for the government of this territory; and

*Whereas*, it was under this authority and by virtue thereof, that this body have

acted and legislated, for and in behalf of the people of said State, now Utah Territory; and

*Whereas* the United States Congress has finally legislated in behalf of this territory, by passing an act for the organization of the Territory of Utah; making appropriations for public buildings, and extending the Constitution of the United States over said territory; and

*Whereas*, previous to the first election under said law, the census has to be taken, and apportionments made, which will necessarily consume much time; and

*Whereas* the public buildings for said territory are very much needed, and the United States Congress having made an appropriation of twenty thousand dollars towards defraying the expense thereof;—and in order to facilitate the speedy erection of said public buildings for the use of the territory, and further promote the mutual and easy organization of said territorial government;—

*Therefore*, be it resolved by the General Assembly of the State of Deseret:

1. That we cheerfully and cordially accept of the legislation of Congress in the Act to establish a Territorial Government for Utah.

2. That we welcome the Constitution of the United States—the legacy of our fathers—over this territory.

3. That all officers under the Provisional State Government of Deseret, are hereby requested to furnish unto their successors in office every facility in their power, by returning and delivering unto them public documents, laws, ordinances, and dockets, that may or can be of any use or benefit to their said successors in office.

4. That Union Square, in Great Salt Lake City, be devoted for the use of public buildings of said Territory.

5. That Governor B. Young be our agent to make drafts upon the treasury of the United States for the amount appropriated for said buildings, and to take such other measures as he shall deem proper for their immediate erection.

6. That we appoint an architect to draft designs, and a committee of one, to superintend the erection of said buildings.

7. That Truman O. Angel. of said city, be said architect, and Daniel H. Wells, of said city, the committee; and that they proceed immediately to the designing and erection of said buildings.

8. That, whereas, the State House in Great Salt Lake City having been originally designed for a "Council House," and erected by and at the expense of the "Church of Jesus Christ of Latter-day Saints," for the purpose, as well as to accommodate the Provisional Government; that we now do relinquish unto said Church the aforesaid building, tendering unto them our thanks for the free use thereof during the past session.

9. That we fix upon Saturday, the 5th day of April next, for the adjustment and final dissolving of the General Assembly of the State of Deseret.

H. C. KIMBALL, *President of the Council.*
J. M. GRANT, *Speaker of the House.*

"T. BULLOCK, *Clerk.*"

Governor Young issued a proclamation on July 1st, 1851, calling the election for the first Monday in the following August, when it was accordingly held, August 4th, and the Territorial Legislature of Utah duly created by the people.

The first session of the Legislative Assembly of the Territory of Utah, was convened in pursuance of the proclamation of the Governor, on the 22d day of September, A. D. 1851; and continued by adjournments to the 18th day of February, A. D. 1852. This was succeeded by a special session, called by proclamation of the Governor, and convened the day following, continuing until the 6th day of March, A. D. 1852.

BRIGHAM YOUNG, Governor.

MEMBERS OF THE COUNCIL:

*Great Salt Lake County.*—Willard Richards (President), Heber C. Kimball, Daniel H. Wells, Orson Spencer, Ezra T. Benson (resigned September 24th, 1851), Orson Pratt (elected November 15th, 1851), Jedediah M. Grant (resigned September 23d, 1851), Edward Hunter (elected November 15th, 1851).

*Davis County.*—John S. Fullmer.

*Weber County.*—Lorin Farr, Charles R. Dana.

*Utah County.*—Alexander Williams, Aaron Jonhson.

*San Pete County.*—Isaac Morley.

*Iron County.*—George A. Smith.

MEMBERS OF THE HOUSE OF REPRESENTATIVES:

*Great Salt Lake County.*—William W. Phelps (Speaker), Daniel Spencer, Albert P. Rockwood, Nathaniel H. Felt, David Fullmer, Edwin D. Woolley, Phinehas Richards, Joseph Young, Henry G. Sherwood, Wilford Woodruff, Benjamin F. Johnson, Hosea Stout, Willard Snow (resigned September 24th, 1851), John Brown (elected November 15, 1851).

*Davis County.*—Andrew J. Lamereaux, John Stoker, Gideon Brownell.

*Weber County.*—David B. Dille, James Brown, James G. Browning.

*Utah County.*—David Evans, William Miller, Levi W. Hancock.

*San Pete County.*—Charles Shumway.

*Iron County.*—Elisha H. Groves, George Brimhall (elected November 15, 1851).

*Tooele County,*—John Rowberry.

The first printed volume of laws of Utah Territory, had the following title page:

"Acts, Resolutions, and Memorials, passed by the First Annual, and Special Sessions, of the Legislative Assembly, of the Territory of Utah, begun and held at Great Salt Lake City, on the 22d day of September, A. D. 1851. Also the Constitution of the United States, and the Act organizing the Territory of Utah. Published by Authority of the Legislative Assembly. G. S. L. City, U. T. 1852. Brigham H. Young, Printer."

To this was appended a certificate of authenticity, signed by "Willard Richards, Secretary *pro tem.*, appointed by the Governor."

At its opening session the members passed the following

"*Joint Resolution Legalizing the Laws of the Provisional Government of the State of Deseret:*

"*Resolved*, by the Legislative Assembly of the Territory of Utah: That the laws heretofore passed by the Provisional Government of the State of Deseret, and which do not conflict with the Organic Act of said Territory be, and the same are hereby declared to be legal, and in full force and virtue, and shall so remain until superseded by the action of the Legislative Assembly of the Territory of Utah.

"Approved October 4, 1851."

This Resolution preserved the original charter of Great Salt Lake City.

The second Resolution, passed on the same day, transferred the political capital from Great Salt Lake City to "Pauvan Valley," where the City of Fillmore was afterwards founded, and Millard County organized and named in honor of the President of the United States, who had so cordially recognized the right of the people of Utah to local self-government and the choice of their own officers.

Severe strictures, however, were passed upon President Fillmore by a portion of the American press, for appointing Brigham Young Governor of Utah, which called forth the following correspondence between the President and Colonel Thomas L. Kane;

"WASHINGTON, July 4, 1851.

"*My Dear Sir:*—I have just cut the enclosed slip from the *Buffalo Courier*. It brings serious charges against Brigham Young, Governor of Utah, and falsely charges that I knew them to be true. You will recollect that I relied much upon you for the moral character and standing of Mr. Young. You knew him, and had known him in Utah. You are a democrat, but I doubt not will truly state whether these charges against the moral character of Governor Young are true.

"Please return the article with your letter.

"Not recollecting your given name, I shall address this letter to you as the son of Judge Kane.

"I am, in great haste, truly yours,

MILLARD FILLMORE.

"*Mr. Kane, Philadelphia.*"

"PHILADELPHIA, July 11th, 1851.

"*My Dear Sir:*—I have no wish to evade the responsibility of having vouched for the character of Mr. Brigham Young of Utah, and his fitness for the station he now occupies. I reiterate without reserve, the statement of his excellent capacity, energy and integrity, which I made you prior to his appointment. I am willing to say I volunteered to communicate to you the facts by which I was convinced of his patriotism, and devotion to the interests of the Union. I made no qualification when I assured you of his irreproachable moral character, because I was able to speak of this from my own intimate personal knowledge.

"If any show or shadow of evidence can be adduced in support of the

charges of your anonymous assailant, the next mail from Utah shall bring you their complete and circumstantial refutation. Meanwhile I am ready to offer this assurance for publication in any form you care to indicate, and challenge contradiction from any respectable authority.

"I am, Sir, with high respect and esteem, your most obedient servant,

"THOMAS L. KANE.

"*The President.*"

Captain Stansbury, in his official report to the government, giving his views and testimony relative to Brigham Young, both as the leader of the Mormon people and the Governor of Utah, said:

"Upon the personal character of the leader of this singular people, it may not, perhaps, be proper for me to comment in a communication like the present. I may, nevertheless, be pardoned for saying, that to me, President Young appeared to be a man of clear, sound sense, fully alive to the responsibilities of the station he occupies, sincerely devoted to the good name of the people over whom he presides, sensitively jealous of the least attempt to under-value or misrepresent them, and indefatigable in devising ways and means for their moral, mental, and physical elevation. He appeared to possess the unlimited personal and official confidence of his people; while both he and his councilors, forming the Presidency of the Church, seem to have but one object in view, the prosperity and peace of the society over which they preside.

"Upon the action of the Executive in the appointmnt of the officers within the newly-created Territory, it does not become me to offer other than a very diffident opinion. Yet the opportunities of information to which allusion has already been made, may perhaps justify me in presenting the result of my own observations upon this subject. With all due deference, then, I feel constrained to say, that in my opinion the appointment of the President of the Mormon Church, and the head of the Mormon community, in preference to any other person, to the high office of Governor of the Territory, independent of its political bearings, with which I have nothing to do, was a measure dictated alike by justice and by sound policy. Intimately connected with them from their exodus from Illinois, this man has indeed been their Moses, leading them through the wilderness to a remote and unknown land, where they have since set up their tabernacle, and where they are now building their temple. Resolute in danger, firm and sagacious in council, prompt and energetic in emergency, and enthusiastically devoted to the honor of his people, he had won their unlimited confidence, esteem and veneration, and held an unrivaled place in their hearts. Upon the establishment of the provisional government, he had been unanimously chosen as their highest civil magistrate, and even before his appointment by the President, he combined in his own person the triple character of confidential adviser, temporal ruler, and prophet of God. Intimately acquainted with their character, capacities, wants, and weaknesses; identified now with their prosperity, as he had formerly shared to the full in their adversities and sorrows; honored, trusted,—the whole wealth of the community placed in his hands, for the advancement both of the spiritual and temporal interest of the infant settle-

ment, he was, surely, of all others, the man best fitted to preside, under the auspices of the general government, over a colony of which he may justly be said to have been the founder. No other man could have so entirely secured the confidence of the people; and the selection by the Executive of the man of their choice, besides being highly gratifying to them, is recognized as an assurance that they shall hereafter receive at the hands of the general government that justice and consideration to which they are entitled. Their confident hope now is that, no longer fugitives and outlaws, but dwelling beneath the broad shadow of the national ægis, they will be subject no more to the violence and outrage which drove them to seek a secure habitation in this far distant wilderness.

"As to the imputations that have been made against the personal character of the Governor, I feel confident they are without foundation. Whatever opinion may be entertained of his pretensions to the character of an inspired prophet, or of his views and practice of polygamy, his personal reputation I believe to be above reproach. Certain it is that the most entire confidence is felt in his integrity, personal, official, and pecuniary, on the part of those to whom a long and intimate association, and in the most trying emergencies, have afforded every possible opportunity of formimg a just and accurate judgment of his true character.

"From all I saw and heard, I am firmly of the opinion that the appointment of any other man to the office of governor would have been regarded by the whole people, not only as a sanction, but as in some sort a renewal, on the part of the General Government, of that series of persecutions to which they have already been subjected, and would have operated to create distrust and suspicion in minds prepared to hail with joy the admission of the new Territory to the protection of the supreme government."

Very pertinent to the closing paragraph of this testimony of Captain Stansbury is the following passage of an epistle of the Presidency of the Mormon Church announcing to "the Saints abroad" the event of the organization of the Territory of Utah:

"We anticipate no convulsive revolutionary feeling or movement, by the citizens of Deseret in the anticipated change of governmental affairs; but an easy and quiet transition from State to Territory, like weary travellers descending a hill near by their way side home.

"As a people, we know how to appreciate, most sensibly, the hand of friendship which has been extended towards our infant State, by the General Government. Coming to this place as did the citizens of Deseret, without the means of subsistence, except the labor of their hands, in a wilderness country, surrounded by savages, whose inroads have given occasion for many tedious and expensive expeditions; the relief afforded by our mother land, through the medium of the approaching territorial organization, will be duly estimated; and from henceforth, we would fondly hope the most friendly feelings may be warmly cherished between the various States and Territories of this great nation, whose constitutional charter is not to be excelled."

## CHAPTER X.

ARRIVAL OF THE FEDERAL JUDGES. FIRST APPEARANCE OF THE UNITED STATES OFFICIALS BEFORE THE CITIZENS AT A SPECIAL CONFERENCE. JUDGE BROCCHUS ASSAULTS THE COMMUNITY. PUBLIC INDIGNATION. CORRESPONDENCE BETWEEN JUDGE BROCCHUS AND GOVERNOR YOUNG. THE "RUNAWAY" JUDGES AND SECRETARY. DANIEL WEBSTER, SECRETARY OF STATE, SUSTAINS GOVERNOR YOUNG AND REMOVES THE OFFENDING OFFICIALS. FIRST UNITED STATES COURT. THE NEW FEDEREL OFFICERS. ARRIVAL OF COLONEL STEPTOE. RE-APPOINTMENT OF OF BRIGHAM YOUNG. JUDGE SHAVER FOUND DEAD. JUDGES DRUMMOND AND STILES.

In July, 1851, four of the Federal officers arrived in Great Salt Lake City, and waited upon his Excellency Governor Young. They were Lemuel G. Brandebury, Chief Justice, and Perry E. Brocchus and Zerubbabel Snow, Associate Justices of the Supreme Court of the Territory, and B. D. Harris, the Secretary. Governor Brigham Young, United States Attorney Seth M. Blair, and United States Marshal Joseph L. Heywood were all residents of Great Salt Lake City.

At this time there had not been any session of the Legislative Assembly of the Territory under the Organic Law. The newly arrived Federal officers enquired the reason why the legislature had not been organized, upon which they were informed that there were no mails from the States during the winter season, and that the official news of the passage of the Act did not reach this city till March, of that year. Soon after their arrival Governor Young issued a proclamation, as provided in Section 16 of the Organic Law, defining the judicial districts of the Territory, and assigning the judges to their respective districts. His other proclamation, calling for an election in August, brought the Legislature into existence, and the two branches of the Territorial Government were thus duly established. Early in the following September, a special conference of the Mormon Church was held in Great Salt Lake City, one of the purposes of which was to send a block of Utah marble or granite as the Territorial contribution to the Washington Monument at the Capital. It was the first time that the Federal officers had found the opportunity to appear in a body before the assembled citizens, as the representatives of the United States, since the organization of the Territory. An excellent occasion surely was this, in the design of the leaders of the community, who called that special conference, and there can be no doubt that harmony and good will were sought to be eucouraged between the Federal officers and the people. Chief Justice Brandebury, Secretary Harris and Associate Justice Brocchus were honored with an invitation to sit on the platform with the leaders of the community. This association of Mormon and Gentile on the stand was very fitting on such an occasion, considering that Governor Brigham Young, Associate Justice Zerubbabel Snow, United States Attorney Seth M. Blair, and United States Mar-

shall Joseph L. Heywood, though Mormons, were also their Federal colleagues. But it seems that one of their number—Associate Justice Brocchus—had chosen this as a fitting time to correct and rebuke the community relative to their peculiar religious and social institutions. The following correspondence, which subsequently took place between Governor Young and Judge Brocchus is most important and relevant to the entire history of this city and territory, as it is the commencement of that long controversy which has existed between the people of Utah and the Federal Judges, and in which, in the latter period, Congress and the Governors of the Territory have also taken an active part:

B. YOUNG TO P. E. BROCCHUS.

"GREAT SALT LAKE CITY, Sept. 19, 1851.

*Dear Sir.*—Ever wishing to promote the peace, love and harmony of the people, and to cultivate the spirit of charity and benevolence to all, and especially towards strangers, I propose, and respectfully invite your honor, to meet our public assembly at the Bowery, on Sunday morning next, at 10 A. M., and address the same people that you addressed on the 8th inst., at our General Conference; and if your honor shall then and there explain, satisfy, or apologize to the satisfaction of the ladies who heard your address on the 8th, so that those feelings of kindness that you so dearly prized in your address can be reciprocated by them, I shall esteem it a duty and a pleasure to make every apology and satisfaction for my observations which you as a gentleman can claim or desire at my hands.

"Should your honor please to accept of this kind and benevolent invitation, please answer by the bearer, that public notice may be given, and widely extended, that the house may be full. And believe me, sir, most sincerely and respectfully, your friend and servant,

BRIGHAM YOUNG.

"*Hon. P. E. Brocchus, Asste. Justice.*'

"P. S.—Be assured that no gentleman will be permitted to make any reply to your address on that occasion. B. Y."

P. E. BROCCHUS TO GOVERNOR YOUNG.

"GREAT SALT LAKE CITY, Sept. 19, 1851.

*Dear Sir:*—Your note of this date is before me. While I fully concur in, and cordially reciprocate, the sentiments expressed in the preface of your letter, I must be excused from the acceptance of your respectful invitation, to address a public assembly at the Bowery to-morrow morning.

"If, at the proper time, the privilege of explaining had been allowed me, I should, promptly and gladly, have relieved myself from any erroneous impressions that my auditors might have derived from the substance or tone of my remarks. But, as that privilege was denied me, at the peril of having my hair pulled, or my throat cut, I must be permitted to decline appearing again in public on the subject.

"I will take occasion here to say, that my speech, in all its parts, was the result of deliberation and care—not proceeding from a heated imagination, or a

maddened impulse, as seems to have been a general impression. I intended to say what I did say; but, in so doing, I did not design to offer indignity and insult to my audience.

"My sole design, in the branch of my remarks which seems to be the source of offence, was to vindicate the Government of the United States from those feelings of prejudice and that spirit of defection which seemed to pervade the public sentiment. That duty I attempted to perform in a manner faithful to the government of which I am a citizen, and to which I owe a patriotic allegiance, without unjustly causing a chord to vibrate painfully in the bosom of my hearers. Such a duty, I trust, I shall ever be ready to discharge with the fidelity that belongs to a true American citizen—with firmness, with boldness, with dignity—always observing a due respect towards other parties, whether assailants or neutrals.

"It was not my intention to insult, or offer disrespect to my audience; and farthest possible was it from my design, to excite a painful or unpleasant emotion in the hearts of the ladies who honored me with their presence and their respectful attention on the occasion.

"In conclusion, I will remark that, at the time of the delivery of my speech, I did not conceive that it contained anything deserving the censure of a just-minded person. My subsequent reflections have fully confirmed me in that impression.

"I am, sir, very respectfully, your obedient servant,

PERRY E. BROCCHUS.

"*To His Excellency Brigham Young.*"

BRIGHAM YOUNG TO P. E. BROCCHUS.

"GREAT SALT LAKE CITY, Sept. 20, 1851.

*Dear Sir:*—The perusal of your note of the 19th inst. has been the source of some sober reflections in my mind, which I beg leave to communicate in the same freedom with which my soul has been inspired in the contemplation.

With a war of words on party politics, factions, religious schisms, current controversy of creeds, policy of clans, or State clipper cliques, I have nothing to do; but when the eternal principles of truth are falsified, and light is turned into darkness by mystification of language or a false delineation of facts, so that the just indignation of the true, virtuous, upright citizens of the commonwealth is aroused into vigilance for the dear-bought liberties of themselves and fathers, and that spirit of intolerance and persecution, which has driven this people time and time again from their peaceful homes, manifests itself in the flippancy of rhetoric for female insult and desecration, it is time that I forbear to hold my peace, lest the thundering anathemas of nations born and unborn should rest upon my head when the marrow of my bones shall be illy prepared to sustain the threatened blow.

"It has been said that a wise man foreseeth evil, and hideth himself. The evil of your course I foresee, and I shall hide myself—not by attempting to screen my conduct, or the conduct of this people from the gaze of an assembled universe, but by exposing some of your movements, designs, plans, and purposes,

so that the injury which you have designed for this people may fall upon your own head, unless you shall choose to accept the proffered boon—the friendship which I extended to you yesterday—by inviting you to make satisfaction to the ladies of this valley, who felt themselves insulted and abused by your address on the 8th inst., and which you have declined to do in your note, to which this is a reply.

"In your note, you remark—'If, at the proper time, the privilege of explaining had been allowed me, I should promptly and gladly have relieved myself from any erroneous impressions that my auditors might have derived from the substance and tone of my remarks; but, as that privilege was denied me, at the peril of having my hair pulled, or my throat cu I must be permitted to decline appearing again in public on the subject.'

"Sir, when was the 'proper time' to which you refer? Was it when you had exhausted the patience of your audience on the 8th, after having given a personal challenge to any who would accept? Was it a proper time to challenge for single combat, before a general assembly of the people, convened especially for religious worship?

"How could you then have 'promptly and gladly relieved yourself from any erroneous impression your auditors might have derived from the substance and tone of your remarks' when you knew not from what source your auditors derived those impressions? And was it your boasted privilege, your proper time to fire and 'fight your battles o'er again,' as quick as you had given a challenge, without waiting to see if any one accepted it? If so, who would you have been likely to hit—ladies or gentlemen?

"It was true, sir, what I said, at the close of your speech, and I repeat it here, that my expressions may not be mistaken—I said in reference to your speech, 'Judge Brocchus is either profoundly ignorant—or wilfully wicked—one of the two. There are several gentlemen who would be very glad to prove the statements that have been made about Judge Brocchus, and which he has attempted to repel; but I will hear nothing more on either side at this Conference.'

And why did I say it? To quell the excitement which your remarks had caused in that audience; not to give or accept a challenge, but to prevent any one (of which there were many present wishing the opportunity,) and every one from accepting your challenge, and thereby bringing down upon your head the indignation of an outraged people, in the midst of a Conference convened for religious instruction and business, and which, had your remarks continued, must have continued the excitement, until there would have been danger "of pulling of hair and cutting of throats," perhaps, on both sides, if parties had proved equal—for there are points in human actions and events, beyond which men and women cannot be controlled. Starvation will revolutionize any people, and lead them to acts of atrocity that human power cannot control; and will not a mother's feelings, in view of her murdered offspring, her bleeding husband, and her dying sire, by hands of mobocratic violence, and especially when tantalized to the highest pitch by those who stand, or ought to stand, or sit, with dignity on the judgment seat, and impart justice alike to all?

"Sir, what confidence can this persecuted, murdered, outcast people have in

your decisions from the Bench, after you have tantalized their feelings from the stand, by informing them there is yet hope in their case, if they will apply to Missouri and Illinois. I ask you, sir, if you did not know, when you were thus making your plea, that this people have plead with the authorities of those States, which are doomed to irretrievable ruin by their own acts, from their lowest magistrate to their highest judge, and from their halls of legislature to their governors, times, and times, and times again, until they, with force of arms, have driven us from their midst, and utterly refused the possibility of the cries of murdered innocence from reaching their polluted ears? I ask, sir, did you know this? If not, you were profoundly ignorant; you were possessed of ignorance not to be tolerated in children of ten years, in these United States. But, on the other hand, if you were in possession of the facts, you were wilfully wicked in presuming to tantalize, and rouse in anger dire, those feelings of frail humanity on one hand, and offended justice on the other, which it is our object to bury in forgetfulness, and leave the issue to the decision of a just God.

"Your motive, action, or design, you wholly concealed, or you could never have gained a hearing on such an occasion.

"As presiding officer in said Conference, did I permit any man to accept your challenge? No, sir, you know I did not; and could you, as a gentleman, ask the privilege to defend your challenge before it was accepted? Don Quixote should not be named in such a farce. No, sir, out of mercy to you I prohibited any man from accepting your challenge. And until the challenge was accepted you had nothing to reply to. When, then, was the proper time you refer to, when you would have replied, and the privilege was denied you? No such time as you supposed, existed.

"And now, sir, as it appears from the whole face of the subject, that tomorrow might have been the first 'proper time' that might have given you the 'privilege of explaining,' and as this courtesy you have utterly refused, and thereby manifest a choice to leave an incensed public incensed still, against your (as they now view it) dishonorable course, I shall take the liberty of doing my duty, by adverting still further to your reply of yesterday. Charity would have induced me hope, at least, that your speech, in part, was prompted by the impulse of the moment; but I am forbid this pleasing reflection by your note, wherein you state that 'my speech, in all its parts, was the result of deliberation and care, proceeding from a heated imagination or a maddened impulse.' 'I intended to say what I did say.' Now, if you did actually 'intend to say what you did say,' it is pretty strong presumptive testimony that you were not ignorant, for if you had been ignorant, from whence arose your intentions? And if you were not ignorant you must have been willfully wicked; and I cannot conceive of a more charitable construction to put upon your conduct on that occasion than to believe you designedly and deliberately planned a speech to excite the indignation of your hearers to an extent that would cause them to break the bonds of propriety by pulling your hair or cutting your throat, willing, no doubt, in the utmost of your benevolence to die a martyr's death, if you could only get occasion to raise the hue and cry, and re-murder a virtuous people, as Missouri and Illinois have so often done before you. Glorious philanthropy this; and corresponds most

fully with the declaration which, it is reported, on pretty good authority, that Judge Brocchus made while on his journey to the valley, substantially as follows: "If the citizens of Utah do not send me as their delegate to Washington, by God, I'll use all my influence against them, and will crush them. I have the influence and the power to do it, and I will accomplish it if they do not make me their delegate.'

"Now, sir, I will not stop to argue the point whether your honor made those observations that rumor says you did; but I will leave it to an intelligent world, or so much of that world as are acquainted with the facts in the case, to decide whether your conduct has not fully proved that you harbored these malicious feelings in your heart, when you deliberately planned a speech calculated in its nature to rouse this community to violence, and that, too, on a day consecrated to religious duties, your declaration to the contrary notwithstanding, that you 'did not design to offer indignity or insult.' When a man's words are set in direct opposition to his acts, which will men believe? His acts all the time. Where, then, is the force of your denial?

"One item more from your note reads thus: 'My sole design in the branch of my remarks which seems to be the source of offence, was to vindicate the government of the United States from those feelings of prejudice, and that spirit of defection which seemed to pervade the public sentiment, &c." Let me inquire what 'public sentiment' you referred to? Was it the sentiments of the States at large? If so, your honor missed his aim, most widely, when he left the city of Washington to become the author of such remarks. You left home when you left Washington. If such 'prejudice and defection' as you represent, there existed, there you should have thundered your anathemas, and made the people feel your 'patriotic allegiance;' but, if ever you believed for a moment—if ever an idea entered your soul that the citizens of Utah, the people generally whom you addressed on the 8th, were possessed of a spirit of defection towards the general government, or that they harboured prejudices against it unjustly, so far you proved yourself 'profoundly ignorant' of the subject in which you were engaged, and of the views and feelings of the people whom you addressed; and this ignorance alone might have been sufficient to lead you into all the errors and fooleries you were guilty of on that occasion. But had you known your hearers, you would have known, and understood, and felt that you were addressing the most enlightened and patriotic assembly, and the one furthest removed from 'prejudice and defection" to the general government that you had ever seen, that you had ever addressed, or that would be possible for you or any other being to find on the face of the whole earth. Then, sir, how would it have been possible for you to have offered your hearers on that occasion a greater insult than you did? The most refined and delicate ladies were justly incensed to wrath against you for intimating that their husbands were ever capable of being guilty of such baseness as you represented, "prejudice and defection" towards a constitution which they firmly believe emanated from the heavens, and was given by a revelation, to lay the foundation of religious and political freedom in this age—a constitution and union which this people love as they do the gospel of salvation. And when you, sir, shall attempt to fasten the false and odious appellation of treason to this commu-

nity, even ignorantly, as we had supposed you did it, you will find plenty, even among the ladies, to hurl the falsehood back to its dark origin, in tones of thunder; but if, as you say, you know, (or else how could the whole have been 'the result of deliberation and care,') the plea of ignorance ceases again to shield you, and you stand before the people in all the naked deformity of 'wilful wickedness,' who can plead your excuse? Who, under such circumstances, can make an apology? I wonder not that you should excuse yourself from the attempt, 'or decline appearing again in public on the subject.'

Permit me sir, to subscribe myself, as ever,

Most respectfully, your servant,

BRIGHAM YOUNG.

"*Hon. P. E. Brocchus, Asste. Justice.*"

The speech of Judge Brocchus is not extant, nor is there to be found any report of that exciting conference, for it was before the existence of the *Deseret News*; but the subject and offence appear well defined in the correspondence itself, which is strikingly illustrated in the following paragraph from Governor Young's third letter:

"Another important item in the course of your remarks, on the 8th instant, in connection with the expose of your own exalted virtue—you expressed a hope that the ladies you were addressing would 'become virtuous.' Let me ask you, most seriously, my dear sir, how could you hope thus? How could you hope that those dear creatures, some of whose acts of benevolence to the stranger drew tears from your eyes while you were yet speaking—how could you hope—what possible chance was there for you to hope—they would become virtuous? Had you ever proved them unvirtuous? If so, you could have but a faint hope of their reformation. But, if you had not proved them unvirtuous, what testimony had you of their lack of virtue? And if they were unvirtuous, how could they 'become virtuous'? Sir, your hope was of the most damning dye, and your very expression tended to convey the assertion that those ladies you then and there addressed were prostitutes—unvirtuous—to that extent you could only hope, but the probabilty was they were so far gone in wickedness you dare not believe they ever could become virtuous. And now, sir, let your own good sense, if you have a spark left, answer—could you, had you mustered all the force that hell could lend you—could you have committed a greater indignity and outrage on the feelings of the most virtuous and sensible assemblage of ladies that your eyes ever beheld? If you could, tell me how. If you could not, you are at liberty to remain silent. Shall such insults remain unrequited, unatoned for?"

Judge Brocchus made no written reply to the review of his conduct, but in person acknowledged that it was unanswerable, and authorized the Governor to apologise for him to the community.

This very singular and suggestive correspondence, which itself is quite a chapter of the history of Great Salt Lake City, was published in the New York *Herald*, and was the commencement of a great sensation over Utah affairs.

Having rendered themselves unpopular, and being neither able to arraign a

whole community for their religious institutions, nor strong enough to set aside Governor Young and his three Federal colleagues, who stood with the people, Chief Justice Brandebury, Associate Justice Brocchus, and Secretary Harris resolved to leave the Territory. But previous to their leaving, they called a Supreme Court, which was held in Great Salt Lake City, though no law had been passed fixing the time and place for holding it. At this court, as an original suit, an injunction was granted. Associate Justice Snow dissented. He said, the bill, he thought, was a good case for the injunction, yet he opposed it on two grounds:

"1st.—There was not any law fixing the time and place of holding the Supreme Court.

"2d.—The Supreme Court had not original jurisdiction, and the District Court had, which was provided for in the Governor's proclamation."

Chief Justice Brandebury and Associate Justice Brocchus left Great Salt Lake City together. Soon afterwards Secretary Harris followed their example, carrying away with him the $24,000 which had been appropriated by Congress for the *per diem* and mileage of the Legislature.

It would seem that these three Federal officers expected to be applauded by the public, and sustained by the Government, their assault being against polygamy, but they indiscreetly stated, in their communication to the Government, that "polygamy monopolized all the women, which made it very inconvenient for the Federal officers to reside there."

"Loose as people might suppose frontier life to be," observes Mr. Stenhouse in his *Rocky Mountain Saints*, "no one anticipated that representatives of the Federal Government would thus express themselves. That one sentence annihilated them. Over the signature of Jedediah M. Grant [the Mayor of Great Salt Lake City] a series of letters was addressed to the New York *Herald*, under the title, 'Truth for the Mormons,' in which the Federal officers were turned into redicule and fiercely handled. The *Herald* gave the public only one letter; but Grant, nothing daunted, published the whole series in pamphlet form, and scattered them broadcast. The Grant letters, from their forcible and pungent style, attracted the attention of literary men as gems of wit and vigorous English. * * * In his moments of calm reflection, Judge Brocchus may have concluded that his zeal against polygamy had outstripped his prudence. The Government took that view of it, and quietly dropped the 'runaway judges and secretary.'"

This view presented in the felicious vein of the New York *Herald's* special corespondent on Utah affairs, well describes the scandalized sense of the American public over the conduct of the "runaway judges and secretary;" but it does not sufficiently express the offended judgment of the United States Government over their conduct. Congress had only just created the new Territory. In doing this both the legislative and executive departments had a very clear preknowledge that the United States was extending its rule over a religious community, whose institutions, though peculiar, were founded on the strict examples of the Bible. The President and his advisers, among whom was that gigantic

statesman, Daniel Webster, had with an intelligent intent appointed Brigham Young Governor, with three other of his co-religionists, to represent the Federal authority to their people; while to the minority of the Federal officers was given the controling power of the judiciary, and the secretaryship, with the custody of the appropriations; all of this had been done to bring the Mormon colony harmoniously into the Union under its supremacy; yet ere they had held a single United States District Court in the new Territory, or its Legislature had assembled, or the Territorial government itself was fully set up, the Chief Justice, his Associate, and the Secretary deserted their posts. The General Government was reasonably incensed over such a case; Congress was scarcely less offended; and Daniel Webster, who was Secretary of State, peremptorily ordered the judges and secretary back to their deserted positions or to resign.

After the departure of these Federal officers from Great Salt Lake City, Governor Young appointed Willard Richards Secretary of the Territory *pro tem.* This appointment, and several other informal acts, which had become necessary in the absence of the regular officials in a newly organized Territory, was duly reported to the Department of State. Daniel Webster sustained them, and the bills of Willard Richards, which were signed "Secretary *pro tem*, appointed by the Governor," were allowed by the Department, and paid.

The Utah Legislature also, finding the United States Judiciary in the Territory inoperative, passed the following act authorizing Associate Justice Zerubbabel Snow to hold the Courts in all the districts:

"AN ACT CONCERNING THE JUDICIARY, AND FOR JUDICIAL PURPOSES.

SEC. 1. "*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the first Judicial District for said Territory, shall consist of, and embrace the following counties and districts of country, to wit:—Great Salt Lake, Davis, Weber, Tooele, and Utah Counties, and all districts of country lying east, north, and west of said counties in said Territory. The Second Judicial District shall consist of Millard and San Pete Counties, and all districts of country lying south of the south line of latitude of Utah County, and north of the south line of latitude of Millard County, within said Territory. And the Third Judicial District shall consist of Iron County, and all districts of country lying south of the south line of latitude of Millard County, in said Territory.

"SEC. 2. The Honorable Zerubbabel Snow, Associate Justice of the Supreme Court of the United States for the Territory of Utah, shall reside within the First Judicial District, and hold Courts in the following order, viz: on the first Monday in January and July at Great Salt Lake City; on the first Monday of April at Ogden City, in Weber County; and on the first Monday of October at Provo City, in Utah County, in each year: *Provided*, the said Zerubbabel Snow, Associate Justice, shall hold his first Court on the first Monday of October in the year eighteen hundred and fifty-one, at Great Salt Lake City, and omit said Court during said year at Provo, in Utah County.

"SEC. 3. The Honorable Zerubbabel Snow is hereby authorized and required to hold two Courts in the Second Judicial District in each year, to-wit:

on the first Monday of November at Manti, in San Pete County; and on the first Monday in May at Fillmore, in Millard County.

"SEC. 4. The Honorable Zerubbabel Snow is further authorized and required to hold one Court for the Third Judicial District, viz: on the first Monday in June of each year, at Parowan City, in Iron County; and each session of said Court in its several districts shall be kept open at least one week, and may adjourn to any other place in each of said districts respectively: *Provided*, the business of said Court shall so require.

"SEC. 5. The foregoing acts are, and shall be in force until a full Bench of the Supreme Court of the United States for the Territory of Utah, shall be supplied by the President and Senate of the United States, after which the said Zerubbabel Snow shall serve only in the First Judicial District.

"Approved October 4, 1851."

This officer afterwards, in a letter upon the first United States Courts held in Utah, thus states:

"The Legislative Assembly met and, as the other Judges had returned to the States, a law was passed authorizing me to hold the courts in all the districts. At my first court I examined the proceedings of the Governor in calling the Legislative Assembly, and held them legal, though somewhat informal. This was reported to the Department of State, the Honorable Daniel Webster being Secretary, who sustained Governor Young and myself. This was the commencement of my judicial services."

That first United States District Court was held in Great Salt Lake City.

At the first term Judge Snow made use of the United States Attorney and the United States Marshal, for Territorial business, there having been at that time no Territorial fee bill passed, which led to a correspondence between the Judge and the Honorable Elisha Whittlesey, Comptroller of the Treasury, the former asking a number of questions relative to the practice of the United States in defraying the expenses of the Territorial courts, which was answered by the latter that the United States simply defrayed the expenses of its own business in the courts. The answers closed thus:

"Lastly, I will observe that if the clerk, marshal, or attorney render any service in suits to which the Territory is a party the officer must obtain his pay from the Territory or from the county in which such suit may be prosecuted. It should appear affirmatively on the face of every account that every item of it is a legal and just claim against the United States; and the details and dates should be stated, as required by my circular of December 5th, otherwise the marshal should not pay it."

This led to the passage of a Territorial fee bill.

In 1852 the law was passed giving jurisdiction to the Probate courts in civil and criminal cases, and creating the offices of Attorney-General and Marshal for the Territory.

An historical note may here be made that the proceedings of the first United States District Court, held in Great Salt Lake City, were published in the *Deseret*

*News*, No. 1, Vol. I, November 15th, 1851, Willard Richards, editor and proprietor.

Under the censure of the great statesman, Daniel Webster, and with ex-Vice-President Dallis and Colonel Kane using their potent influence against them, and also Stephen A. Douglass, (to whom Kane in his letter to Fillmore personally refers as surety for Governor Young), Brandebury, Brocchus and Harris were forced to retire. They were succeeded by Chief Justice Reed, Associate Justice Shaver, and Secretary Ferris on August 31st, 1852.

On their arrival in Great Salt Lake City the new appointees received a cordial welcome from the Governor and citizens, which was reciprocated by the Chief Justice and his Associate, but Secretary Ferris approved the course of his predecessor and condemned the Mormons and their institutions. The new judges, however, turned the tide of public feeling for awhile in favor of this community, by the speeches which they delivered, and the very friendly letters which they wrote on Utah affairs. Shortly after his arrival in Great Salt Lake City, Chief Justice Reed wrote as follows:

"I waited on his Excellency, Governor Young, exhibited to him my commission, and by him was duly sworn and installed as Chief Justice of Utah. I was received by Governor Young with marked courtesy and respect. He has taken pains to make my residence here agreeable. The Governor, in manners and conversation, is a polished gentleman, very neat and tasty in dress, easy and pleasant in conversation, and I think, a man of decided talent and strong intellectual qualities. * * * I have heard him address the people once on the subject of man's free agency. He is a very excellent speaker. His gesture uncommonly graceful, articulation distinct, and speech pleasant. *

* * The Governor is a first rate business man. As civil Governor of the Territory and Superintendent of Indian Affairs, we would naturally suppose he had as much to do as one man could well attend to; but in addition to those employments, he is also President of the Church—a station which is no sinecure by any means. His private business is extensive; he owns several grist and saw mills, is extensively engaged in farming operations, all of which he superintends personally. I have made up my mind that no man has been more grossly misrepresented than Governor Young, and that he is a man who will reciprocate kindness and good intentions as heartily and as freely as any one, but if abused, or crowded hard, I think he may be found exceedingly hard to handle."

But Secretary Ferris soon after published a book expressing sentiments and views, concerning Brigham Young and the Mormon community, the very antipodes of those uttered by his Federal associates. After a short residence in Great Salt Lake City Secretary Ferris retired and went to California; Chief Justice Reed returned to New York and died; he was succeeded by Chief Justice John F. Kinney, August 24th, 1853. Associate Justice Zerubbabel Snow occupied his full term and was succeeded by Associate Justice George P. Stiles, August 1st, 1854. Almon W. Babbitt succeeded Ferris as Secretary, and District Attorney Hollman succeeded Seth M. Blair. John M. Bernhisel was Delegate to Congress.

In 1854, Lieutenant-Colonel E. J. Steptoe, with his command, arrived in

Great Salt Lake City, and the term of Governor Young's appointment expiring about this time, President Pierce tendered the office to Colonel Steptoe; but he was a gentleman, and a true republican, and he had too much wisdom withal to accept the honor, for he knew that Brigham was the choice of the people. The following document, expressive of the movement which he inspired, will be of interest at this point:

"*To His Excellency, Franklin Pierce, President of the United States:*

"Your petitioners would respectfully represent that, whereas Governor Brigham Young possesses the entire confidence of the people of this Territory, without distinction of party or sect; and from personal acquaintance and social intercourse we find him to be a firm supporter of the constitution and laws of the United States, and a tried pillar of Republican institutions; and having repeatedly listened to his remarks, in private as well as in public assemblies, do know he is the warm friend and able supporter of constitutional liberty, the rumors published in the States notwithstanding; and having canvassed to our satisfaction his doings as Governor and Superintendent of Indian affairs, and also the disposition of the appropriation for public buildings for the Territory; we do most cordially and cheerfully represent that the same has been expended to the best interest of the nation; and whereas his re-appointment would subserve the Territorial interest better than the appointment of any other man, and would meet with the gratitude of the entire inhabitants of the Territory, and his removal would cause the deepest feeling of sorrow and regret; and it being our unqualified opinion, based upon the personal acquaintance which we have formed with Governor Young, and from our observation of the results of his influence and administration in this Territory, that he possesses in an eminent degree every qualification necessary for the discharge of his official duties, and unquestioned integrity and ability, and he is decidedly the most suitable person that can be selected for that office.

"We therefore take pleasure in recommending him to your favorable consideration, and do earnestly request his re-appointment as Governor, and Superintendent of Indian affairs for this Territory."

This document was signed by Colonel Steptoe and every other United States Army officer in the Territory, as well as by all of the Federal civil officials, and by every merchant and prominent citizen of Great Salt Lake City on the Gentile side. The petition was headed by Chief Justice Kinney, followed by Colonel Steptoe. Associate Justice Shaver's name was also to the document.

Not long after the signing of this document, which obtained from President Pierce the re-appointment of Governor Young, Judge Shaver, on the morning of the 29th of June, 1855, was found dead in his bed, in Great Salt Lake City. The judge the previous night was apparently in good health, but he had long suffered terribly from a wound, the pain of which he relieved by the constant administration of opiates, and occasionally by stimulants; so that, though unexpected, the cause of his death required but little explanation. The citizens sincerely mourned the loss of Judge Shaver. He was buried by them with professional honors;

his funeral sermon was preached by Jedediah M. Grant, the then Mayor of Great Salt Lake City, and his memory is embalmed in the history of the Mormon Church, as an upright judge and a friend of the community. Yet notwithstanding the friendly relations which had existed between the deceased judge and the citizens, his sudden death gave an opportunity for the circulation of a malicious story of his being poisoned, on account of some supposed difficulty with Governor Young.

W. W. Drummond succeeded the lamented Judge Shaver, September 12th, 1854; and Drummond and Associate Justice George P. Stiles were principally instrumental in working up the Buchanan Expedition, or the "Utah war" as it was popularly termed; but we must leave the Federal thread for awhile and review events connected with the community, the growth and peopling of Great Salt Lake City, and the colonization of Utah in general, from about the time of the setting up of the Territorial government.

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## CHAPTER XI.

SOCIOLOGICAL EXPOSITION. SOURCES OF OUR POPULATION. EMIGRATION. POLYGAMY.

For the completeness of the history a sociological exposition of the peopling of Utah should be here presented, with its ethnological elements and methods out of which society first grew in the isolation of these Rocky Mountains; nor should the causes be ignored which have brought so many tens of thousands of souls from Europe to this country, for the very purpose of organizing a new society and creating a State of the American nation.

In the history of Great Salt Lake City, the Mormon emigrations from Europe may be considered as the most relevant to its population; for, especially at the onset, this city grew out of those emigrations. The American pioneers did no more, in the matter of population, than plant the germs of society in these valleys, nor could they possibly do more with so small a community as that which left Nauvoo in the exodus. A decade must have passed before there could have been any perceptible increase to the population by offspring, had not the emigrations from abroad yearly poured into these valleys, vitalizing a community almost exhausted by repeated exterminations. Thus replenished, by a new fusion from the dominant parent races, from which the pioneers had themselves descended, population was increased ten-fold within the first decade. Great Britain and Scandinavia gave the bulk of this population, by their tens of thousands of emigrants, and next by their prolific increase of offspring; but the American pio-

neers were the originators of that emigrational movement of the Mormon people from Europe to this country.

The following general epistle from the Twelve, dated at Winter Quarters, Omaha Nation, December 23d, 1847, will be of interest in this connection:

"To the Saints in England, Scotland, Ireland, Wales, and adjacent islands and countries, we say, emigrate as speedily as possible to this vicinity, looking to and following the counsel of the Presidency at Liverpool: shipping to New Orleans, and from thence direct to Council Bluffs, which will save much expense. Those who have but little means, and little or no labor, will soon exhaust that means if they remain where they are, therefore it is wisdom that they remove without delay; for here is land on which, by their labor, they can speedily better their condition for their further journey. And to all Saints in any country bordering upon the Atlantic, we would say. pursue the same course, come immediately and prepare to go west,—bringing with you all kinds of choice seeds, of grain, vegetables, fruit, shrubbery, trees, and vines—everything that will please the eye, gladden the heart, or cheer the soul of man, that grows upon the face of the whole earth; also the best stock of beast, bird, and fowl of every kind; also the best tools of every description, and machinery for spinning, or weaving, and dressing cotton, wool, flax, and silk, etc., etc., or models and descriptions of the the same, by which they can construct them; and the same in relation to all kinds of farming utensils and husbandry, such as corn shellers, grain threshers and cleaners, smut machines, mills, and every implement and article within their knowledge that shall tend to promote the comfort, health, happiness, or prosperity of any people. So far as it can be consistently done, bring models and drafts, and let the machinery be built where it is used, which will save great expense in transportation, particulary in heavy machinery, and tools and implements generally."

And here must be noticed the covenant of the emigration. Previous to leaving Nauvoo President Young prompted the Mormons to enter into a solemn covenant in the temple, that they would not cease their exertions until every individual of them who desired and was unable to gather to the valley by his own means was brought to that place. No sooner were they located in the Rocky Mountains, than the Church prepared to fulfill this covenant, extending its application to the Saints in all the world. The subject was introduced at the October Conference, in 1849, by President Heber C. Kimball, and a unainmous vote was there and then taken to raise a fund for the fulfillment of the promise. A committee was appointed to raise money, and Bishop Edward Hunter sent to the frontiers to purchase wagons and cattle, to bring the poor Saints from Pottowatomie lands. About $5,000 were raised that season. The fund was designated "The Perpetual Emigration Fund," and the method of its application is well set forth in the following from a letter to Apostle Orson Hyde, who was at the time presiding at Winter Quarters:

GREAT SALT LAKE CITY, October 16th, 1849.

*President Orson Hyde:*—Beloved brother, we write to you more particularly at this time, concerning the gathering, and the mission of our general agent for

the Perpetual Emigration Fund for the coming year, Bishop Hunter, who will soon be with you, bearing the funds already raised in this place.

In the first place, this fund has been raised by voluntary donations, and is to be continued by the same process, and by so managing as to preserve the same and cause it to multiply.

* * * As early in the Spring as it will possibly do, on account of feed for cattle, Brother Hunter will gather all his company, organize them in the usual order, and preside over the camp, travelling with the same to this place, having previously procured the best teamsters possible, such as are accustomed to driving, and will be kind and attentive to their teams.

When the Saints thus helped arrive here, they will give their obligations to the Church to refund to the amount of what they have received, as soon as circumstances will permit; and labor will be furnished, to such as wish, on the public works, and good pay; and as fast as they can procure the necessaries of life, and a surplus, that surplus will be applied to liquidating their debt, and thereby increase the perpetual fund.

By this it will readily be discovered that the funds are to be appropriated in the form of a loan rather than a gift; and this will make tha honest in heart rejoice, for they have to labor and not live on the charity of their friends, while the lazy idlers, if any such there be, will find fault and want every luxury furnished them for the journey, and in the end pay nothing. * * *

"Brother Hunter will return all the funds to this place next season, when the most judicious course will be pursued to convert all the cattle and means into cash, that the same may be sent abroad as speedily as possible on another mission, together with all that we can raise besides to add to it; and we anticipate that the Saints at Pottowatomie and in the States will increase the fund by all possible means the coming winter, so that our agent may return with a large company.

"The few thousands we send out by our agent at this time is like a grain of mustard seed in the earth; we send it forth into the world, and among the Saints —a good soil—and we expect it will grow and flourish, and spread abroad in a few weeks: that it will cover England, cast its shadow on Europe, and in process of time compass the whole earth; that is to say, these funds are destined to increase until Israel is gathered from all nations, and the poor can sit under their own vine, and inhabit their own house, and worship God in Zion.

"We remain your brethren in the gospel,

BRIGHAM YOUNG,
HEBER C. KIMBALL,
WILLARD RICHARDS."

A similar epistle was written to Orson Pratt, President of the British Mission, saying at the close:

"Your office in Liverpool is the place of deposit for all funds received either for this or the tithing funds for all Europe, and you will not pay out only upon our order, and to such persons as we shall direct."

These instructions and general epistles are the more important in the emi-

grational history, as they are substantially the basis upon which all the emigrations and business thereof have been conducted from that time to the present.

Donations in England were made straightway. The first received was *2s. 6d.* from Mark and Charlotte Shelley, of Woolwich, on the 19th of April, 1850. The next was £5 from George P. Waugh, of Edinburgh, on the 19th of June; but in time the various emigration funds of the British Mission alone became immense.

The mode of conducting the emigrations from Europe was as patriarchal as the Church itself. As the emigration season came round, from every branch and conference the Saints would be gathered and taken to Liverpool by their elders, who saw them on shipboard in vessels chartered for their use. Not a moment were they left to the mercy of "runners" and shipping agents. When on board, the companies, which in some cases have amounted to more than a thousand souls per ship, were divided into wards, each ward being under its president or bishop, and his two councilors, and each company under its president and councilors; and besides these were the doctor, steward, and cook, with their assistants. During the passage, regular service was daily observed,—morning and evening prayers, preaching meetings and councils. Besides these were numerous entertainments, concerts, dances, etc., so that the trips across the Atlantic were like merry makings, enjoyed by the captains and their officers as much as by the Saints. Reaching America a similar system was pursued up the rivers, on the railroads, and across the plains until the Saints arrived in the valleys, when they were received, in the old time, by Brigham and "the authorities in Zion," and sent by Bishop Hunter to the various settlements where they were most needed to people the fast-growing cities of Utah.

It may be here suggestively noted that, at the date of this emigrational circular, there were not in all Utah more than eight thousand souls; while, at about the same date, in the British mission there were thirty thousand members of the Mormon Church. The resources of population the community possessed abroad; at home the resources were not sufficient to people Great Salt Lake City. The colonizing genius of this "peculiar people" was now greatly in demand; and it soon began to manifest itself in gigantic efforts to populate these valleys, and to found the hundreds of cities and settlements which Utah possesses to-day, and which the Mormon leaders designed to people when they laid off the City of the Great Salt Lake in 1847. This genius of colonization the community had manifested from the beginning, as was observed in the opening chapter, but it had hitherto operated chiefly abroad, in creating a population for the "building up of a Zion" on the American continent. True there had sailed a few ship loads of Mormons from the shores of Great Britain for Nauvoo; but only a few thousand of the British people were mixed in the actual society problem of the Mormons in America, until after the settlement in the valleys of the Rocky Mountains. Indeed, it had not been possible for the Mormon leaders to have emigrated a large European population to any of the eastern States, for the formation of a community. As it was, the American Mormon population was too large for both Missouri and Illinois. But in Utah, with a Territory given them

by the United States, that they might people with their fruitful resources of population from foreign missions, the Mormons for the first time found full aim and scope for their colonizing genius and religion. From that moment Mormonism meant the peopling of Utah and the building of cities and settlements, and that too, chiefly at the onset, by yearly emigrations of converts from Europe; Great Salt Lake City being the initial society work.

Accordingly at the October Conference of 1849, held in this city, after establishing the Provisional Government of the State of Deseret, and the organization of the Perpetual Emigration Fund Company, "for the gathering of Israel from the nations," as set forth in the circular, the Presidency and Twelve Aposties set apart John Taylor, for France, to open a mission in that country; Lorenzo Snow for a similar purpose to Switzerland and Italy; Franklin D. Richards for England, to start the operations of the Perpetual Emigration Fund Company in Europe; while Apostle Erastus Snow was sent to open the "new dispensation" to the Scandinavian races.

In 1849, there was not a branch of the Mormon Church in all Scandinavia; to-day (1883) nearly one-third of the Mormon population of Utah, including their offspring, is Scandinavian. In 1849, the emigrations from Great Britain, *direct* for Utah commenced; from that date to their suspension for awhile, in consequence of the Buchanan expedition, with which we shall presently deal, the Mormon emigrations to America embraced about thirty thousand souls, the majority of whom became compounded in the population of Utah; and still on, down to the present time, the British mission, though greatly depleted by her supplies has continued emigrations to this Territory. During this time a large accession to the population also poured in from every State of the Union, sustaining the native American element.

In connection with this subject of population, it is proper that polygamy should be considered, as a social factor of this Territory. Polygamy as a system of family relations was published in 1851. With it as a religious institution the historian has nothing to do, nor is it his province either to question or approve of the special legislation passed against it; but sociologically and ethnologically history has much to do with it in the peopling of Utah. The population of this Territory, in fact, has grown largely out of Mormon polygamy; and instead of deteriorating the race it has, in this case, replenished and improved it. Emigrations from Europe pouring in yearly, bringing a surplus of females from the robust snd fruitful races of Scandinavia and Great Britain, their marriage with a dominant pioneer element of the American stock has given stamina to families and population to the country. Indeed, Mormon polygamy has done nearly as much for the population of Utah as emigration itself; and with it, further than the statement of its facts, the writer has nought to do in a sociological exposition. Thus it will be seen that, having planted the germs of society in these valleys, the American portion of the population united in marriage with the emigrants—and the whole became one people in the colonization of Utah—one people very much in race as they were already in faith. The exposition will further show that, though the population a quarter of a century

ago was largely foreign, to-day it must naturally be chiefly native American, for while the emigrant parents have by thousands passed away by death, their children born in these valleys have grown up to manhood and womanhood, and are themselves parents to-day.

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## CHAPTER XII.

PICTURES OF MORMON SOCIETY IN THE FOUNDING OF UTAH. LIFE AMONG THE SAINTS. THEIR SOCIAL AND RELIGIOUS PECULIARITIES AND CUSTOMS. ECSTACY OF THE GOLD-HUNTERS WHEN THEY CAME UPON "ZION." VIEWS BY STANSBURY, GUNNISON, AND NOTED ENGLISH TRAVELERS, OF THE MORMONS AND THEIR INSTITUTIONS. PETITION FOR A RAILROAD. GENERAL EVENTS.

It is thought that a few pictures of the early days of Utah, and of Mormon society in its primeval forms, may have a special interest to visitors of to-day, who go up to the New Jerusalem of the West in luxurious palace cars. They shall be the pictures which struck the fancy, or the judgment, of the intelligent "Gentile" who first came upon the peculiar people, just settled in the valleys of Utah, yet they described them in wonderment, much as they would have done had they come upon the strange habitation and inhabitants of another world. There is a graphic life-touch in some of those sketches—mere letters though they were—that the imagination of the best artist could not equal. They are realistic pictures of what was; romances of social life, so to speak, that were not dreams.

Here is a graphic sketch from the artistic pen of a gold digger, a correspondent of the *New York Tribune*, under date of July 8th, 1849:

"The company of gold diggers which I have the honor to command, arrived here on the 3d instant, and judge our feelings when, after some twelve hundred miles travel through an uncultivated desert, and the last one hundred miles of the distance through and among lofty mountains, and narrow and difficult ravines, we found ourselves suddenly, and almost unexpectedly, in a comparative paradise. * * * At first sight of all these signs of cultivation in the wilderness, we were transported with wonder and pleasure. Some wept, some gave three cheers, some laughed, and some ran and fairly danced for joy, while all felt inexpressibly happy to find themselves once more amid scenes which mark the progress of advancing civilization. We passed on amid scenes like these, expecting every moment to come to some commercial centre, some business point in this great metropolis of the mountains, but we were disappointed. No hotel, sign post, cake and beer shop, barber pole, market house, grocery, provision, dry goods, or hardware store distinguished one part of the town from another; not even a bakery or a mechanic's sign was anywhere discernible.

"Here, then, was something new: an entire people reduced to a level, and all living by their labor—all cultivating the earth, or following some branch of physical industry. At first I thought it was an experiment, an order of things established purposely to carry out the principles of 'socialism' or 'Mormonism.' In short, I thought it very much like Owenism personified. However, on inquiry, I found that a combination of seemingly unavoidable circumstances had produced this singular state of affairs. There were no hotels because there had been no travel; no barber shops, because every one chose to shave himself, and no one had time to shave his neighbor; no stores, because they had no goods to sell, nor time to traffic; no centre of business, because all were too busy to make a centre.

"There was abundance of mechanic's shops, of dressmakers, milliners and tailors, etc.; but they needed no sign, nor had they time to paint or erect one, for they were crowded with business. Beside their several trades, all must cultivate the land or die, for the country was new, and no cultivation but their own within a thousand miles. Every one had his own lot, and built on it; every one cultivated it, and perhaps a small farm in the distance.

"And the strangest of all was, that this great city, extending over several square miles, had been erected, and every house and fence made, within nine or ten months of the time of our arrival; while at the same time, good bridges were erected over the principal streams, and the country settlements extended nearly one hundred miles up and down the valley.

"This Territory, State, or, as some term it, 'Mormon empire,' may justly be considered one of the greatest prodigies of our time, and, in comparison with its age, the most gigantic of all Republics in existence—being only in its second year since the first seed of cultivation was planted, or the first civilized habitation commenced. If these people were such thieves and robbers as their enemies represented them to be in the States, I must think they have greatly reformed in point of industry since coming to the mountains.

"I this day attended worship with them in the open air. Some thousands of well dressed, intelligent-looking people assembled; a number of them on foot, some in carriages, and some on horses. Many were neatly and even fashionably clad. The beauty and neatness of the ladies reminded me of some of our best congregations of New York. They had a choir of both sexes, who performed exceedingly well, accompanied by a band, playing well on almost every musical instrument of modern invention. Peals of the most sweet, sacred and solemn music filled the air; after which, a solemn prayer was offered by Mr. Grant (a Latter-day Saint), of Philadelphia. Then followed various business advertisements, read by the clerk. * * * After this, came a lengthy discourse by Mr. Brigham Young, President of the Society, partaking somewhat of politics, much of religion and philosophy, and a little on the subject of gold; showing the wealth, strength and glory of England, growing out of her coal mines, iron and industry, and the weakness, corruption and degradation of Spanish America, Spain, etc., growing out of their gold and silver, and idle habits.

"He further observed that the people here would petition to be organized into a Territory under the American Government, notwithstanding its abuses.

and that, if granted, they would stand by the the constitution and laws of the United States; while, at the same time, he denounced their corruption and abuses.

"'But,' said the speaker, 'we ask no odds of them, whether they grant our petition or not! We will never ask any odds of a nation that has driven us from our homes. If they grant us our rights, well; if not, well; they can do no more than they have done. They, and ourselves, and all men, are in the hands of the great God, who will govern all things for good; and all will be right, and work together for good to them that serve God.'

"Such, in part, was the discourse to which we listened in the strongholds of the mountains. The Mormons are not dead, nor is their spirit broken. And, if I mistake not, there is a noble, daring, stern and democratic spirit swelling in their bosoms, which will people these mountains with a race of independent men, and influence the destiny of our country and the world for a hundred generations. In their religion they seem charitable, devoted and sincere; in their politics, bold, daring and determined; in their domestic circle, quiet, affectionate and happy, while in industry, skill and intelligence they have few equals, and no superiors on earth.

"I had many strange feelings while contemplating this new civilization, growing up so suddenly in the wilderness. I almost wished I could awake from my golden dream, and find it but a dream; while I pursued my domestic duties as quietly, as happily, and contentedly as this strange people."

"These Mormons," says Gunnison, "are certainly the most earnest religionists I have ever been among. It seems to be a constant self-sacrifice with them, which makes me believe that the masses of the people are honest and sincere.

"While professing a complete divorce of Church and State, their political career and administration is made subservient to the theocratical or religious element. They delight to call their system of government a 'theo-democracy,' and that, in a civil capacity, they stand as the Israelites of old under Moses. For the rule of those not fully imbued with the spirit of obedience, and sojourners not of the faith, as well as for things purely temporal, tribunals of justice and law-making assemblies are at present rendered necessary.

"The influence of their nomenclature of 'brethren and sisters' is apparent in their actions, and creates the bond of affection among those who are more frequently thrown together. It is impressed on infantile minds by the constant repetition, and induces the feeling of family relationship. A little boy was asked the usual question, 'whose son are you?' and he very naively replied, 'I am Brother Pack's son;' a small circumstance, truly, but one that stamps the true mark of Mormon society. The welfare of the order becomes, therefore, paramount to individual interest; and the union of hearts causes the hands to unite in all that pertains to the glory of the State; and hence we see growing up and prospering the most enterprising people of the age—combining the advantages of communism, placed on the basis of religious duty and obedience to what they call the law of the gospel—transcending the notion of socialistic

philosophers, that human regulations can improve and perfect society, irrespective of the revealed word of God.

"Right or wrong, in the development of the principle, and in its application, they have seized upon the most permanent element of the human mind in its social relations—not yielding fully to the doctrines of earnestness and universal intention, and making man his own regenerator, as the fountain head of truth, and passing thence into mysticism, pantheism and atheism, neither endeavoring to cure the ills of society by political notions of trade and commerce, nor by educating in the sentiment of honor, and by political inculcation of high thoughts and noble images, independent of being 'born of the water and of the spirit.'

"Nor must we look upon all as ignorant and blindfolded, guided along the the ditch of enthusiasm by self-deluded leaders. Indeed, almost every man is a priest, or eligible to the office, and ready armed for the controversial warfare. His creed is his idol. And while among the best proselytes we class many that are least versed in literary attainments, still among them we find liberally educated men, and those who have been ministers in other denominations—in fact there seems to be as fair a sample of intelligence, moral probity, and good citizenship, as can be found in any nominal Christian community.

"Sincerity and simplicity of purpose mark the masses, which virtues have been amply proved by the sacrifices and suffering endured. And among the people, so submissive to counsel, are those who watch with eagle eye that first principles are adhered to, and stand ready to proclaim apostacy in chief or laymen, and scrutinizing all revelations to discover whether they are from the Lord, or given, through his permission, by Satan, to test the fidelity and watchfulness of the disciples of truth. Litigation is much discouraged, and it is specially thought improper for brother to go to law with brother, and that before unbelievers; so each bishop is a sort of county court judge between man and man, with an appeal to the whole 'bench,' and a final resort to Brigham, who does good practical justice without any embarrassment from statute or common law.

"This people are jealous of their rights, and feel themselves entitled to enforce order by their own laws, and severely punish contempt of them. The administration of justice is of the most simple kind, and based on the equity and the merits of the question, without reference to precedents and technicalities."

Another correspondent writing to a New York paper said:

"It is now three years since the Mormons arrived in Salt Lake Valley, and their energy in laying out a city, building, fencing farms, raising crops, etc., is truly wonderful to behold, and is but another striking demonstration of the indefatigable enterprise, industry, and perseverance of the Anglo-Saxon race.

"The Mormons, take them as a body, I truly believe are a most industrious people, and, I confess, as intelligent as any I have met with when in the East or West. It is true they are a little fanatical about their religious views, which is not at all strange when compared with the majority of religious denominations in the East. But let no man be deceived in his estimation of the people who have settled here. Any people who have the courage to travel over plains, rivers

and mountains, for twelve hundred miles, such, probably, as cannot be traveled over in any other part of the world, to settle in a region which scarcely ever received the tread of any but the wild savages and beasts who roam the wilderness, must be possessed of an indomitable energy that is but rarely met with."

W. Kelly, in his "Excursions in California in the Early Days," says:

"The houses are small, principally of adobies, built up only as temporary abodes, until the more urgent and important matter of inclosure is attended to; but I never saw anything to surpass the ingenuity of arrangement with which they are fitted up, and the scrupulous cleanliness with which they are kept. There were tradesmen and artizans of all descriptions, but no regular stores or workshops, except forges. Still, from the shoeing of an ox to the mending of a watch, there was no difficulty experienced in getting it done as cheap and as well put out of hand as in any other city in America. Notwithstanding the oppressing temperature, they were all hard at work at their trades, and abroad in the fields, weeding, moulding, and irrigating; and it certainly speaks volumes for their energy and industry, to see the quantity of land they have fenced in, and the breadth under cultivation, considering the very short time since they founded the settlement in 1847.

"After bathing, we dressed in our best attire, and prepared to attend the Mormon service, held for the the present in the large space adjoining the intended Temple, which is only just above the foundations, but will be a structure of stupendous proportions, and, if finished according to the plan, of surpassing elegance. I went early, and found a rostrum in front of which there were rows of stools and chairs for the townfolks; those from the country, who arrived in great numbers, in light wagons, sitting on chairs, took up their stations in their vehicles in the background, after unharnessing the horses. There was a very large and most respectable congregation; the ladies attired in rich and becoming costumes, each with parasol; and I hope I may say, without any imputation of profanity, a more bewitching assemblage of the sex it has rarely been my lot to look upon."

A still more important authority on Mormon society, in the early days of Utah, was Captain Stansbury. He says in his official report;

"The founding, within the space of three years, of a large and flourishing community upon a spot so remote from the abodes of men, so completely shut out by natural barriers from the rest of the world, so entirely unconnected by water-courses with either of the oceans that wash the shores of this continent—a country offering no advantages of inland navigation or of foreign commerce, but, on the contrary, isolated by vast uninhabited deserts, and only to be reached by long, painful, and often hazardous journeys by land—presents an anomaly so very peculiar, that it deserves more than a passing notice. In this young and prosperous country of ours, where cities grow up in a day, and States spring up in a year, the successful planting of a colony, where the natural advantages have been such as to hold out the promise of adequate reward to the projectors, would have excited no surprise; but the success of an enterprise under circumstances so much

at variance with all our preconceived ideas of its probability, may well be considered one of the most remarkable incidents of the present age.

Their admirable system of combining labor, while each has his own property, in lands and tenements, and the proceeds of his industry, the skill in dividing off the lands, and conducting the irrigating canals to supply the want of rain, which rarely falls between April and October; the cheerful manner in which every one applies himself industriously, but not laboriously; the complete reign of good neighborhood and quiet house and fields, form themes for admiration to the stranger coming from the dark and sterile recesses of the mountain gorges into this flourishing valley; and he is struck with wonder at the immense results, produced in so short a time, by a handful of individuals.

"This is the result of the guidance of all those hands by one master mind; and we see a comfortable people residing where, it is not too much to say, the ordinary mode of subduing and settling our wild lands could never have been applied.

"Nothing can exceed the appearance of prosperity, peaceful harmony, and cheerful contentment that pervaded the whole community. Ever since the first year of privation, provisions have been abundant, and want of the necessaries and even comforts of life are unknown. A design was at one time entertained (more, I believe, as a prospective measure than anything else) to set apart a fund for the purpose of erecting a poor-house; but, after strict inquiry it was found that there were in the whole population but two persons who could be considered objects of public charity, and the plan was consequently abandoned.

This happy external state of universally diffused prosperity, is commented on by themselves as an evidence of the smiles of heaven, and of the special favor of the Deity; but I think it may be most clearly accounted for in the admirable discipline and ready obedience of a large body of industrious and intelligent men, and in the wise counsels of prudent and sagacious leaders, producing a oneness and concentration of action, the result of which has astonished even those by whom it has been effected. The happy consequences of this system of united and well directed action, under one leading and controlling mind, is most prominently apparent in the erection of public buildings, opening of roads, the construction of bridges, and the preparation of the country for the speedy occupation of a large and rapidly growing population, shortly to be still further augmented by an immigration even now on its way, from almost every country in Europe.

"In their dealings with the crowds of immigrants that passed through their city, the Mormons were ever fair and upright, taking no advantage of the necessitous condition of many, if not most of them. They sold them such provisions as they could spare, at moderate prices, and such as they themselves paid in their dealings with each other. In the whole of our intercourse with them, which lasted rather more than a year, I cannot refer to a single instance of fraud or extortion to which any of the party was subjected; and I strongly incline to the opinion that the charges that have been preferred against them in this respect, arose from interested misrepresentation or erroneous information. I certainly never experienced anything like it in my own case, nor did I witness or hear

of any instance of it in the case of others, while I resided among them. Too many that passed through their settlements were disposed to disregard their claim to the land they occupied, to ridicule the municipal regulations of their city, and to trespass wantonly upon their rights. Such offenders were promptly arrested by the authorities, made to pay a severe fine, and in some instances were imprisoned or made to labor on the public works; a punishment richly merited, and which would have been inflicted upon them in any civilized community. In short, these people presented the appearance of a quiet, orderly, industrious, and well-organized society, as much so as one would meet with in any city of the Union, having the rights of personal property as perfectly defined and as religiously respected as with ourselves; nothing being farther from their faith or practice than the spirit of communism, which has been most erroneously supposed to prevail among them. The main peculiarity of the people consists in their religious tenets, the form and extent of their church government, (which is a theocracy), and in the nature especially of their domestic relations."

Another early writer says:

"The masses are sincere in their belief: if they are credulous, and have been deceived by their leaders, the sin, if any, rests on them. I firmly believe the people to be honest, and imbued with true religious feelings; and when we take into consideration their general character previously, we cannot but believe in their sincerity. Nine-tenths of this vast population are the peasantry of Scotland, England and Wales, originally brought up with religious teachings at Protestant parish churches. They place implicit faith in their leaders, who, in a pecuniary point of view have fulfilled their promise; each and all of them are comfortably provided with land and tenements. At first they, of course, suffer privation, until they build their houses, and reap their crops, yet all their necessities in the meantime are provided for by the Church, and in a social point of view they are much happier than they could ever hope to have been at their native homes. From being tenants at the will of an imperious and exacting landlord, they suddenly became landholders in their own right, free men, living on free soil, under a free and enlightened government.

"Considering, again, how all efforts for the improvement of these advantages must necessarily be self-dependent in such a place, one cannot say they have been tardily developed. Indeed, to me, the manufactures, few as they were, and the products and settlements sprung up so extensively in so short a time, spoke not of a sensual but of a thrifty and industrious population, who, whatever may be their delusions in matters of belief, or the corrupting influence of their customs, at least determined to put their hands to the plow, and, looking forward, to work, out of hardship and adversity, a comfortable, if not an enviable, prosperity. Observe Salt Lake City—not a San Francisco, certainly—but remember that eight years ago not a house stood here, nor a stick, nor a stone to build one of.

"The cheerful happy faces, the self-sacrificed countenances, the cordial salutation of brother or sister on all occasions of address, the lively strains of music pouring forth from merry hearts in every domicile, as women and children sing their "Songs of Zion," while plying the domestic tasks, give an expression of a happy society in the vales of Deseret.

"They have determined to keep themselves distinct from the vices of civilization. During a residence of ten weeks in Great Salt Lake City, and my observations in all their various settlements, it is worthy of record that I never heard any obscene or improper language, never saw a man drunk, never had my attention called to to the exhibition of vice of any sort. There are no gambling houses, grog shops, or houses of ill-fame in all their settlements. They preach morality in their churches and from their stands, and, what is as strange as it is true, their people practice it, and religiously believe their salvation depends upon fulfilling the behests of the religion which they have adopted.

"A liquor law, enforced pretty strictly, compels sobriety, which virtue is, therefore, no subject for praise. Swearing, at least blasphemous swearing, in the public streets, is prohibited under pain of a five-dollar fine for each offense; the fine is scarcely ever imposed, but violation of the law is uncommon, and very rarely in public or private do you hear an oath. Theft, even in petty things, such as vegetables and fuel, is prevented, not by prosecution, but by the known rule, that if a man steals two or three times he is ordered to become honest or leave the country for good. Not that Mormons ever pretend that there are no bad men among them; nay, agreeable to their principles, they will tell you that a Mormon, if bad, will be worse than other men, because he sins against greater light and knowledge, and after receiving the Spirit of God. Confirmatory of this, I have met at Salt Lake with two or three very proper scoundrels; but, taking the people all around, I consider them as moral, industrious, fair-dealing and hospitable a set as one is apt to fall in with.

"In social parties and lively meetings the Mormons are pre-eminent, and their hospitality would be more readily extended to strangers had they suitable dwellings to invite them into. In their social gatherings and evening parties, patronized by the presence of the prophets and apostles, it is not unusual to open the ball with prayer, asking the blessing of God on their amusements, as well as upon any other engagement; and then will follow the most sprightly dancing, in which all join with hearty good will, from the highest dignitary to the humblest individual; and this exercise is to become part of the temple-worship, to 'praise God in song and dances.'

"These private balls and soirees are frequently extended beyond the time of cock-crowing by the younger members, and the remains of the evening repast furnish the breakfast for the jovial guests.

"Toward the end of April, in 1854, about ten days previous to the departure of Governor Brigham Young, on his annual visit to the southern settlements of Utah, tickets of invitation to a grand ball were issued in his name. I had the honor to receive one of them.

"At the appointed hour I made my appearance, chaperoned by Governor Young, who gave me a general introduction. A larger collection of fairer and more beautiful women I never saw in one room. All of them were dressed in white muslin, some with pink and others with blue sashes. Flowers were the only ornaments in the hair. The utmost order and the strictest decorum prevailed. Polkas and waltzes were not danced; country dances, cotillions, quadrilles, etc., were permitted. At the invitation of Governor Young I opened

the ball with one of his wives. The Governor, with a beautiful partner, stood *vis-a-vis*. An old-fashioned cotillion was danced with much grace by the ladies, and the Governor acquitted himself wery well on the 'light fantastic toe.' After several rounds of dancing, a march was played by the band, and a procession was formed; I conducted my first partner to the supper room, where I partook of a fine entertainment at the Governor's table. There must have been at least two hundred ladies present, and about one hundred gentlemen. I returned to my quarters at twelve o'clock, most favorably impressed with the exibition of public society among the Mormons."

In 1852 the people had a grand celebration of the Fourth of July. This was the first notable celebration of our national birthday by the Mormons since their arrival in the valley, though it was kept by the Pioneers on the way, both at Winter Quarters and as they approached the haven of their search. They had afterwards, in a manner, blended the idea and spirit of the Fourth with the Twenty-Fourth, which they esteem as the natal day of Utah. On the first celebration of the Twenty-Fourth, the Constitution of the United States was, as we have seen, presented to the Governor of the State of Deseret, and the Declaration of Independence read, but the honor of the year in 1852, was given to the Fourth of July.

At the first session of the Territorial Legislature, held in 1851–2, in Salt Lake City, memorials to Congress were adopted, praying for the construction of a national central railroad, and also a telegraph line from the Missouri River, *via* Salt Lake City to the Pacific. The following memorial was signed and approved by Governor Young, March 3d, 1852:

"*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

"Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the establishment of a national central railroad from some eligible point on the Mississippi or Missouri River, to San Diego, San Francisco, Sacramento, or Astoria, or such other point on or near the Pacific Coast as the wisdom of your honorable body may dictate.

"Your memorialists respectfully state that the immense emigration to and from the Pacific requires the immediate attention, guardian care, and fostering assistance of the greatest and most liberal government on the earth. Your memorialists are of the opinion that not less than five thousand American citizens have perished on the different routes within the last three years, for the want of proper means of transportation. That an eligible route can be obtained, your memorialists have no doubt, being extensively acquainted with the country. We know that no obstruction exists between this point and San Diego, and that iron, coal, timber, stone, and other materials exist in various places on the route; and that the settlements of this Territory are so situated as to amply supply the builders of said road with material and provisions for a considerable portion of the route, and to carry on an extensive trade after the road is completed.

"Your memorialists are of opinion that the mineral resources of California

and these mountains can never be fully developed to the benefit of the United States, without the construction of such a road; and upon its completion, the entire trade to China and the East Indies will pass through the heart of the Union, thereby giving to our citizens the almost entire control of the Asiatic and Pacific trade; pouring into the lap of the American States the millions that are now diverted through other commercial channels; and last, though not least, the road herein proposed would be a perpetual chain or iron band, which would effectually hold together our glorious Union with an imperishable identity of mutual interest; thereby consolidating our relations with foreign powers in times of peace, and our defense from foreign invasion, by the speedy transmission of troops and supplies in times of war.

"The earnest attention of Congress to this important subject is solicited by your memoralists, who, in duty bound, will ever pray."

On the 31st of January, 1854, there was another movement of the people for a Pacific Railroad. The citizens of Salt Lake and surrounding country, men and women, gathered *en masse* to make a grand demonstration in its favor.

As the Salt Lake Temple, when completed, will be one of the finest and most unique architectural piles in America, it will be proper for us to give a synopsis of the laying of the corner stones. We cull the following from the *Deseret News:*

"Wednesday, April 6th, 1853, could not have dawned a more lovely day, or have been more satisfactory to Saints or Angels. The distant valleys sent forth their inhabitants, this valley swarmed forth its thousands, and a more glorious sight has not been seen for generations than at Great Salt Lake City this day.

"The Deseret national flag was unfurled to the breeze. The Nauvoo Brass Band, Captain Ballo's Band, and the Military Band enlivened the air with their sweetest strains. The Silver Greys made a venerable appearance, and the minute men, true to their duty, were at their posts at an early hour. The police, under the efficient management of Captain Hardy, were at their posts at the time appointed; and the countenances of the Saints were as glad and cheerful as though each had been favored with the visitation of an angel. * * * The procession then formed at the vestry door in the following order:

"1st, Martial music. Colors. 2d, Nauvoo Brass Band. Colors. 3d, Ballo's Band. Colors. 4th, Captain Pettegrew with relief guards. Colors. 5th, Singers. 6th, First President and Counselors, and aged Patriarch. 7th, The Twelve Apostles, first Presidency of the Seventies, and President and Counselors of the Elders' Quorum. 8th, President of the High Priests' Quorum, and Counselors, in connection with the President of the Stake, and the High Council. 9th, Presiding Bishop, with his Council, and the Presidents of the lesser Priesthood, and their Council. 10th, Architects and workmen selected for the day, with banner, representing 'Zion's Workmen.' 11th, Captain Merrill, with relief guard, in uniform.

"The procession then marched through the line of guards to the southeast corner of the Temple ground, the singers taking their position in the centre, the Nauvoo Brass Band on the east bank, Captain Ballo's Band on the west bank, and

the Marshal Band on the mound southwest. Captains Pettigrew, Hardy, and Merrill, with their commands, occupying the front of the bank (which was sixteen feet deep,) and moving from corner to corner with the laying of the several stones, prevented an undue rush of the people, which might, by an excavation, have endangered the lives of many, when Presidents Young, Kimball, and Richards, with Patriarch John Smith, proceeded to lay the southeast corner stone, and ascended the top thereof, when the choir sang; President Young delivered the chief oration, and Heber C. Kimball offered the consecration prayer.

"The procession again formed, and proceeded to the southwest corner, when the Presiding Bishop, Edward Hunter, his counsel, and the various Presidencies of the lesser Priesthood, with their associates, laid the southwest corner stone, when, from its top, Bishop Hunter delivered the oration, and Bishop Alfred Cordon offered the consecration prayer.

The procession again formed, and moved to the northwest corner stone, accompanied with martial music, when John Young, President of the High Priests' Quorum, with his Council, and the President of the Stake, with the High Council, proceeded to lay the stone. That being done they ascended the stone, and President John Young delivered the oration, and George B. Wallace offered the consecration prayer.

The procession again formed, and proceeded to the northeast corner stone, which was laid by the Twelve Apostles, the First Presidency of the Seventies, and the Presidency of the Elders' Quorum. The Apostles then ascended the stone, and Elder P. P. Pratt delivered the oration, and Orson Hyde offered the consecration prayer.

On the 31st of October, 1853, Governor Young received an express giving an account of the massacre on the 16th of that month, by Indians, of Captain John W. Gunnison and seven of his party, near the swamps of the Sevier River. Captain Gunnison and twelve of his party had departed from the rest, and while at breakfast, a band of Indians, intending to destroy a Mormon village near at hand, came upon them and fired with rifles, and then used bows and arrows. Shots were returned by the Gunnison party, but they were overpowered, and only four escaped. Gunnison had twenty arrows shot into his body, and, when found, had one of his arms off. The notes of the survey, which had been nearly completed, instruments, and the animals, were taken by the Indians. Governor Young immediately sent aid to Captain Morris, to release him from his critical position in the midst of the Indians, and endeavor to obtain the lost property.

In his message to the Legislature that year, the Governor said:

"In the military department of the Territory there is but little change from last year's report, except an increase of about seven hundred names to the muster rolls. In the southern settlements a great portion of the troops have been kept in almost constant service in order to preserve the inhabitants and their property from Indian aggressions. * * *

"During the late troubles, twelve of our citizens have been killed at different times, and many wounded; and seven of the exploring party, including the lamented Captain Gunnison, have been killed on the Sevier."

J. M. Grant

## CHAPTER XIV.

CARSON COLONY. THE GREAT FAMINE IN UTAH. THE HAND-CART COMPANIES. CONSTITUTIONAL CONVENTION. DEATH OF J. M. GRANT, MAYOR OF GREAT SALT LAKE CITY. BIOGRAPHICAL SKETCH.

In 1854-5, the Mormon colonists pushed forward to the western frontier of the Territory, and settled a large portion of the country now known as Nevada. This mission was given to about seventy families, who were directed to go to Carson Valley under the supervision of Orson Hyde, President of the Apostles. Soon afterwards the Legislature of Utah organized the whole of that district under the name of Carson County, appointing at the same time Orson Hyde as probate judge. Hon. Enoch Reese was its representative. Governor Young, in his message to the Legislature, in the winter of 1855-6, said: "In accordance with a law passed by the Assembly in 1854-5, the Hon. Orson Hyde repaired to Carson County, accompanied by the Hon. Judge Stiles and Marshal Heywood, and, in connection with authorized persons from California, approximately established the boundary line between this Territory and that State in the region of Carson Valley, and fully organized the county."

The first house in Genoa was built by Col. John Reese, of Great Salt Lake City, in 1850. It was called Reese's Station. A few persons—namely, Orson Hyde, Chester Loveland, Christopher Merkley, Seth Dustin, George Hancock, Reuben Perkins, Jesse Perkins, and William Hutchings—colonized that country in 1855, but in the spring of 1856, an organized colony of about seventy families went, among were Christopher Layton, William Jennings, William Nixon, Joseph R. Walker (in the employ of Nixon), Peregrine Sessions (the founder of Sessions' settlement), Albert Dewey, farmer Cherry from Bountiful, William Kay (founder of Kaysward), George Nebeker, and a number of others who would rank as first class men in the formation of a new colony.

In the winter of 1855-6, the Legislature was removed from Great Salt Lake to Fillmore, which had been designated as the capital in former sessions.

There was a famine in Utah in 1856. The crops of the two previous years had failed, and in some of the settlements the winters had been very severe, and the cattle ranging in the valleys died in great numbers. The best provided families throughout the winter of 1855-6 had to ration themselves to the smallest amount of breadstuffs per day in order to subsist until the following harvest. The condition of the poor was appalling; and nothing but the semi-patriarchal character of the community preserved thousands from perishing.

The following letter from Heber C. Kimball to his son in England, gives a graphic picture of the famine of 1856:

"GREAT SALT LAKE CITY,
February 29, 1856.

To my dear son William, and to all whom it may concern.—My family,

with yours, are all in good health and spirits. I have been under the necessity of rationing my family, and also yours, to two-thirds of a pound of bread stuff per day each; as the last week is up to day, we shall commence on half-a-pound each. This I am under the necessity of doing. Brother Brigham told me to-day that he had put his family on half-a-pound each, for there is scarcely any grain in the country, and there are thousands that have none at all scarcely. We do this for the purpose of feeding hundreds that have none.

"My family, at this time, consists of about one hundred souls, and I suppose that I feed about as many as one hundred besides. My mill has not brought me in, for the last seven months, over one bushel of toll per day, in consequence of the dry weather, and the water being frozen up—which would not pay my miller. When this drouth came on, I had about seven hundred bushels of wheat, and it is now reduced to about one hundred and twenty-five bushels, and I have only about twenty-five bushels of corn, which will not provide for my own family until harvest. Heber has been to the mill to-day, and has brought down some unbolted flour, and we shall be under the necessity of eating the bran along with the flour, and shall think ourselves doing well with half-a-pound a day at that. Martin Wood stated to him that he had ground thirty bushels yesterday, but last night was a very cold night, which will check the water again, as the weather has not modified a great deal. Although the sun shines pleasantly through the day, the nights are still quite cold. You must remember that I did not raise one spoonful of wheat last year, and I have not received any from any other source than the mill. Brother James planted some late corn from which we obtained about forty bushels, and rather poor at that. We have some meat and, perhaps about seventy bushels of potatoes, also a very few beets and carrots; so you can judge whether or not we can get through until harvest without digging roots; still we are altogether better off than the most of the people in these valleys of the mountains. There are several wards in this city who have not over two weeks' provisions on hand.

"I went into the tithing office with Brother Hill, and examined it from top to bottom, and, taking all the wheat, corn, buckwheat and oats, there were not to exceed five hundred bushels, which is all the Public Works have or expect to have, and the works are pretty much abandoned, the men having been all turned off, except about fifteen who are at work on Brother Brigham's house, and making seed drills for grain, as we shall be obliged to put in our grain by drilling, on account of the scarcity, which probably will not take over one-third of the grain it would to sow broadcast.

"We shall not probably do anything on the Public Works until another harvest. The mechanics of every class have all been counseled to abandon their pursuits and go to raising grain. This we are literally compelled to do, out of necessity. Moreover, there is not a settlement in the Territory, but is in the same fix that we are. Some settlements can go two months, some three, some can, probably, at the rate of half-a-pound per day, till harvest. Hon. A. W. Babbitt, even, went to Brother Hyde's provision store the other day, and begged to get twenty or twenty-five pounds of flour, but could not. This I was told by William Price, who is the salesman of the store. Money will not buy flour or

meal, only at a few places, and but very little at that. I can assure you that I am harassed constantly; I sell none for money, but let it go where people are truly destitute. Dollars and cents do not count now, in these times, for they are the tightest that I have ever seen in the Territory of Utah. You and your brethren can judge a little by this. As one of the old prophets said, anciently, 'As with the people, so with the priest,' we all take it together."

This second famine was likened to the famine of Egypt. For months some families knew not the taste of bread. Settlements usually noted for good crops were so destitute that they sent teams several hundred miles to other settlements to get bran and shorts, and even that supply was considered a great luxury. The community had also to feed the thousands of emigrants who arrived that year in a starved condition in the handcart companies. The famine was the great subject of the discourses of the Tabernacle; and, much to the credit of Governor Young and other leading men of substance, it is to be observed that they urged all the community to share with each other, and faithfully set the example themselves. So much were the people appalled with the prospect of famine at some future period, by the experience of this year, that for nearly twenty years thereafter they every season stored surplus wheat to be prepared when famine should come again. It took the railroad to dissipate this terror of famine from the people's mind.

It was also the year of the handcart emigration, in which several hundred perished in the snows and for lack of food. The story of the terrible sufferings of the poor emigrants and of the victims whose graves daily marked the journey can never be fully told, and it is too harrowing to the feelings of the people, even to-day, to render the effort desirable for the historian's pen. It is a page of history in the peopling of Utah which the people would fain have forgotten; but it is due to Brigham Young and the noble conduct of the entire community to record something of the rescue of those companies. The following passages are culled from Mr. John Chislett's very graphic chapters on the handcart emigration:

"We traveled on in misery and sorrow day after day. Sometimes we made a pretty good distance, but at other times we were only able to make a few miles' progress. Finally we were overtaken by a snow-storm which the shrill wind blew furiously about us. The snow fell several inches deep as we traveled along, but we dared not stop, for we had a sixteen-mile journey to make, and short of it we could not get wood and water.

"As we were resting for a short time at noon a light wagon was driven into our camp from the west. Its occupants were Joseph A. Young and Stephen Taylor. They informed us that a train of supplies was on the way, and we might expect to meet it in a day or two. More welcome messengers never came from the courts of glory than these two young men were to us. They lost no time after encouraging us all they could to press forward, but sped on further east to convey their glad news to Edward Martin and the fifth hand-cart company who left Florence about two weeks after us, and who it was feared were even worse off than we were. As they went from our view, many a hearty 'God bless you' followed them."

"Joseph A.," as the Prophet's eldest son is familiarly termed, was the last of the returning missionaries to leave the emigrant camp on the banks of the Platte River. Though ignorant of the apprehension that he felt for their welfare, and the presentiments he had of the inevitable suffering that awaited them, many of the emigrants clung to him with more than ordinary affection, and detained him till the warning of approaching night urged him to follow his companions. When he bade them good-by, he could scarcely say more than "You shall see me again soon." All speed was made by him and his companions, and immediately on arrival in Salt Lake City he reported to his father how far the emigrants were yet behind.

Brigham comprehended their situation in a moment. Though his son had been absent two years from his home, he ordered him instantly to make ready to return to the assistance of the emigrants and gave him authority to take all the provisions, clothing, and vehicles that he could find on the way and press them forward to the rescue. Brigham Young on that occasion earned the good opinions of foes as well as friends. Mr. Chislett continues:

"The storm which we encountered, our brethren from the Valley also met, and, not knowing that we were so utterly destitute, they encamped to await fine weather. But when Captain Willie found them and explained our real condition, they at once hitched up their teams and made all speed to come to our rescue. On the evening of the third day after Captain Willie's departure, just as the sun was sinking beautifully behind the distant hills, on an eminence immediately west of our camp several covered wagons, each drawn by four horses, were seen coming towards us. The news ran through the camp like wild-fire, and all who were able to leave their beds turned out *en masse* to see them. A few minutes brought them sufficiently near to reveal our faithful captain slightly in advance of the train. Shouts of joy rent the air; strong men wept till tears ran freely down their furrowed and sun-burnt cheeks, and little children partook of the joy which some of them hardly understood, and fairly danced around with gladness. Restraint was set aside in the general rejoicing, and as the brethren entered our camp the sisters fell upon them and deluged them with kisses. The brethren were so overcome that they could not for some time utter a word, but in choking silence repressed all demonstration of those emotions that evidently mastered them. Soon, however, feeling was somewhat abated, and such a shaking of hands, such words of welcome, and such invocation of God's blessing have seldom been witnessed.

"I was installed as regular commissary to the camp. The brethren turned over to me flour, potatoes, onions, and a limited supply of warm clothing for both sexes, besides quilts, blankets, buffalo robes, woollen socks, etc. I first distributed the necessary provisions, and after supper divided the clothing, bedding, etc., where it was most needed. That evening, for the first time in quite a period, the songs of Zion were to be heard in the camp, and peals of laughter issued from the little knots of people as they chatted around the fires. The change seemed almost miraculous, so sudden was it from grave to gay, from sorrow to gladness, from mourning to rejoicing. With the cravings of hunger satisfied, and with

hearts filled with gratitude to God and our good brethren, we all united in prayer, and then retired to rest.

"Among the brethren who came to our succor were Elders W. H. Kimball and G. D. Grant. They had remained but a few days in the Valley before starting back to meet us. May God ever bless them for their generous, unselfish kindness and their manly fortitude! They felt that they had, in a great measure, contributed to our sad position; but how nobly, how faithfully, how bravely they worked to bring us safely to the Valley—to the Zion of our hopes!

"After getting over the Pass we soon experienced the influence of a warmer climate, and for a few days we made good progress. We constantly met teams from the Valley, with all necessary provisions. Most of these went on to Martin's company, but enough remained with us for our actual wants. At Fort Bridger we found a great many teams that had come to our help. The noble fellows who came to our assistance invariably received us joyfully, and did all in their power to alleviate our sufferings. May they never need similar relief!

"After arriving in the Valley, I found that President Young, on learning from the brethren who passed us on the road of the lateness of our leaving the frontier, set to work at once to send us relief. It was the October Conference when they arrived with the news. Brigham at once suspended all conference business, and declared that nothing further should be done until every available team was started out to meet us. He set the example by sending several of his best mule teams, laden with provisions. Heber Kimball did the same, and hundreds of others followed their noble example. People who had come from distant parts of the Territory to attend conference, volunteered to go out to meet us, and went at once. The people who had no teams gave freely of provisions, bedding, etc.—all doing their best to help us.

"We arrived in Salt Lake City on the 9th of November, but Martin's company did not arrive until about the 1st of December. They numbered near six hundred on starting, and *lost over one-fourth of their number by death.* The storm which overtook us while making the sixteen-mile drive on Sweetwater, reached them at North Platte. There they settled down to await help or die, being unable to go any farther. Their camp-ground became indeed a veritable grave-yard before they left it, and their dead lie even now scattered along from that point to Salt Lake. They were longer without food than we were, and being more exposed to the severe weather, their mortality was, of course, greater in proportion.

"Our tale is their tale partly told; the same causes operated in both cases, and the same effects followed.

"Immediately that the condition of the suffering emigrants was known in Salt Lake City, the most fervent prayers for their deliverance were offered up. There, and throughout the Territory, the same was done as soon as the news reached the people. Prayers in the Tabernacle, in the school-house, in the family circle, and in the private prayer circles of the priesthood, were constantly offered up to the Almighty, begging Him to avert the storm from us. Such intercessions were invariably made on behalf of Martin's company, at all the meetings which I attended after my arrival.

"But it was the stout hearts and strong hands of the noble fellows who came

to our relief, the good teams, the flour, beef, potatoes, the warm clothing and bedding, *and not prayers nor prophecies*, that saved us from death."

In March, 1856, a constitutional convention was held at Great Salt Lake City, and a constitution drafted, the preamble of which stated that the last census showed a sufficient population to justify the people to petition Congress for a State government. The State was named Deseret.

At the close of the year 1856, Great Salt Lake City met a sad bereavement in the death of its first mayor, to whose distinguished memory is dedicated the following brief biographical sketch:

Jedediah Morgan Grant, first mayor of Great Salt Lake City, was the son of Joshua and Thalia Grant, and was born in Windsor, Broome County, New York, February 21, 1816. We have been unable to procure definite intelligence of his childhood and education, but the foundation for mental pursuits and the love of books and study was evidently laid at that early period of life, before he appeared as a candidate for baptism in the Church of Jesus Christ of Latter-day Saints. He was baptized by Elder John F. Boynton, afterwards one of the Apostles, on the 21st of March, 1833. In the spring of the following year, when he was eighteen years of age, he accompanied "Zion's Camp" in the wonderful march to Missouri, "and in the fatigues, privations, trying scenes and arduous labors endured by that handful of valiant men, exhibited a goodly portion, for one so young, of that integrity, zeal, and unwavering effort and constancy in behalf of the cause of truth, that invariably characterized his life." The experience the young men of this expedition obtained, on this memorable journey, was such as few ever passed through in life.

He was among the first who left Nauvoo in the exodus of 1846, crossing the river in February, and with the body of the Saints turning his back upon the tyrannical oppression of mobs and treacherous friends to seek an asylum of peace in the fastnesses of the mountains of the great West.

He went east from Winter Quarters in the winter of 1846-7, on a short mission, during which he purchased the materials for making a flag, which for several years floated over "the land of the free and the homes of the blest" in this city, and was familiarly known as "the mammoth flag." After transacting important business in the interests of the exodus, he returned in June, 1847, to the Missouri River, and was appointed Captain of the Third Hundred of the emigrating Saints, which he successfully led to the Salt Lake Valley, arriving in the following October. A year after, with characteristic energy and promptness, he went out beyond Fort Bridger with several men and teams to relieve President Willard Richards and accompany and assist them in.

May 26, 1849, he was elected Brigadier General of the first brigade of the Nauvoo Legion, and October 23d, 1852, was promoted to the Major Generalship of the First Division, which military office he held unto his death. He was an efficient officer, valiant, energetic and just. In the difficulties with the Indians he manifested considerable skill, and always was regarded as eminently jealous of the rights of the red men as well as of the safety of the whites.

In the fall of 1849, Elder Grant went to the States on business, together with about forty missionaries, who elected him captain of the company. Among the

number were President John Taylor, Apostles Erastus Snow, Lorenzo Snow, F. D. Richards, Bishop Hunter, Colonel Reese, Curtis E. Bolton, and several other prominent elders.

Great Salt Lake City was incorporated on the 19th of January, 1851, and at the first election held under the charter, on the first Monday of the next April, Jedediah M. Grant was elected mayor, which office he magnified in an eminent degree and held uninterruptedly, by the unanimous vote of the people, until his death. During the period of his administration, the first ordinances for the government, safety and general welfare of the people were enacted, forming the basis of the municipal regulations under which the city has grown and prospered to the present time.

The following introduction to his famous series of letters, published in the *New York Herald*, upon the "runaway judges," will fitly represent Mayor Grant's bold, independent style, and thoroughly honest character:

"SIR: I will thank you to print, as soon as you can, the substance of this letter. Considered only as news, it ought to be worth your while. There is great curiosity everywhere to hear about the Mormons, and eagerness to know all the evil that can be spoken of them. Announce you that I am a Mormon Elder, just arrived from Utah—mayor, in fact, of Salt Lake City, where my wife and family are still living—a preacher, brigadier of horse, and president of the quorum of Seventies, and the like; and not one subscriber that waded over shoe-tops through the slime of details you gave of the play-actor's divorce trial lately, will not be greedy to read all I have to say about the filthier accusations that have been brought against me and my friends and brethren. This is what I have to count upon, thank falsehood. And if you publish my letter entire, I will ask for no editorial help from you. I am no writer; but, with the help of the Power of Light, I am not afraid of what you can say against us. So long as I walk by the rule of my Master, you walk by the rude working of your fancies.

"I must say I have had my doubts about writing out upon these matters; my doing so not being approved by our Delegate in Congress, Dr. Bernhisel. The Doctor is one of our gentlemen at home, a real gentleman, and would not say a rough word or do a rough thing to hurt the feelings or knock off the spectacles of any man for the world. But I am no gentleman, in his sense at least, and have had slights enough put upon me, personally, since I came eastward, to entitle me to any amount of stand-up self-defence. Dr. Bernhisel's official course in this matter, I suppose I am bound to accept; for I have understood that he had the advice of experienced men, who said to him: 'Take up the report of the three officers criminating your constituents, when it comes from the State Department into the House; ask for a special committee with power to send for persons and papers, and put the false witnesses on oath; but don't stoop to wrangle upon your religion, morals and political opinions with Mr. Webster or the Congressmen at large, whom the country considers to have enough to do to take care of their own.'

"This is all very well, and very high and mighty and dignified, certainly; but while the grass grows, the cow starves; while Congress is taking its months to

do the work of a day, the verdict of the public goes against us, as the law-word is, by default, and we stand substantially convicted of anything and everything that any and every kind of blackguard can make up a lie about. And now I hear that the charges are not to be pushed; two of the officers want to come back to us *as friends*—they are to be virtually abandoned after doing us all the harm they can. What Mr. Webster thinks, we care a little; what is the opinion of most members of Congress, you can hardly believe, in your part of the world, how very little, but Public Opinion, that power we respect as well as recognize; and, therefore, I am now determined, on my own responsibility, to write myself, and blurt out all the truth I can. I may not be discreet, but I will be honest."

J. M. Grant was chosen Speaker of the House of Representatives in the Legislative Assembly of the Territory in 1852, and at three subsequent sessions, filling that office with dignity and honor, to the fullest satisfaction of the members over whom he presided. As a legislator he was quick and talented, and brought to the law-making department a high practical sense of justice and right, which qualified him to propose and render valuable aid in framing wholesome laws for the political and domestic welfare of the community.

On December 1st, 1856, Mayor Grant breathed his last, and his spirit went joyfully to mingle with those of his friends, family and brethren that had gone before. He was forty years of age when he died, but had spent those years to such advantage in laboring for the welfare of his fellow-men that he was mourned by thousands, and left in their memories a name that will be forever cherished as a symbol of virtue, integrity and honor. The editor of the *Deseret News* in closing his obituary, says:

"Brother Grant needs no eulogy, and least of all such an one as our language could portray, for his whole life was one of noble and diligent action upon the side of truth, of high-toned and correct example to all who desire to be saved in the Kingdom of our God. As a citizen, as a friend, a son, a husband, a father, and above all as a Saint, and in every station and circumstance of life, whether military, civil, or religious, he everywhere, and at all times, shed forth the steady and brilliant light of lofty and correct example, and died as he lived and counseled, with his 'armor on and burnished.' Though all Saints deeply feel his departure, yet they can fully realize that it redounds to his and our 'infinite gain.'"

## CHAPTER XV.

EXPOSITION OF THE CAUSES AND CIRCUMSTANCES OF THE UTAH WAR. GENERAL SCOTT'S CIRCULAR AND INSTRUCTIONS TO THE ARMY. MAGRAW'S LETTER TO THE PRESIDENT. DRUMMOND'S CHARGES. THE REPUBLICAN PARTY ASSOCIATES UTAH WITH THE SOUTH. THE "IRREPRESSIBLE CONFLICT." FREMONT AND DOUGLAS.

The subject of the Utah Expedition occupies nearly the entire history of Salt Lake City, and of Utah in general, from the year 1857 to 1861, when Camp Floyd was evacuated. On the part of the U. S. Government the extraordinary record commenced with the issuing of the following

### CIRCULAR.

*To the Adju ant General, Quartermaster General, Commissary General, Surgeon General, Paymaster General, and Chief of Ordnance.*

HEADQUARTERS OF THE ARMY,
*May 28, 1857.*

Orders having been dispatched in haste for the assemblage of a body of troops at Fort Leavenworth, to march thence to Utah as soon as assembled, the general-in-chief, in concert with the War Department, issues the following instructions, to be executed by the chiefs of the respective staff departments, in connection with his general orders of this date:

1. The force—2d dragoons, 5th infantry, 10th infantry and Phelps' battery of the 4th artillery—to be provided with transportation and supplies, will be estimated at not less than 2,500 men.

2. The Adjutant General will, in concert with the chiefs of the respective departments, issue the necessary orders for assigning to this force a full complement of disbursing and medical officers, an officer of ordnance and an Assistant Adjutant General, if the latter be required.

He will relieve Captains Phelps' 4th artillery and Hawes' 2d dragoons from special duty, and order them to join their companies. He will also give the necessary orders for the movement of any available officers, whose services may be desired by the Quartermaster General or Commissary General in making purchases. Lieutenant Col. Taylor and Brevet Major Waggaman will be ordered to exchange stations.

All available recruits are to be assigned to the above named regiments up to the time of departure.

3. About 2,000 head of beef cattle must be procured and driven to Utah.

Six months' supply of bacon (for two days in a week) must be sent—des-

iccated vegetables in sufficient quantity to guard the health of the troops for the coming winter.

4. Arrangements will be made for the concentration and temporary halt of the 5th infantry at Jefferson Barracks.

The squadron of dragoons at Fort Randall taking their horse equipments with them will leave their horses at that post, and a remount must be provided for them at Fort Leavenworth. Also, horses must be sent out to the squadron at Fort Kearney, and the whole regiment, as also Phelps' battery, brought to the highest point of efficiency.

Besides the necessary trains and supplies, the quartermaster's department will procure for the expedition 250 tents of Sibley's pattern, to provide for the case that the troops shall not be able to hut themselves the ensuing winter. Storage tents are needed for the like reason. Stoves enough to provide, at least, for the sick, must accompany the tents.

5. The Surgeon General will cause the necessary medical supplies to be provided, and requisition made for the means of transporting them with the expedition.

6. The chief of ordnance will take measures immediately to put in position for the use of this force, three travelling forges and a full supply of ammunition, and will make requisition for the necessary transportation of the same.

WINFIELD SCOTT.

The command of the Expedition was at first given to Brigadier General W. S. Harney, but was afterwards transfered to Col. Albert Sidney Johnston. It is due to the Government to accompany this circular with the letter of instructions to General Harney, explanatory of its views and designs concerning Utah and her people:

HEADQUARTERS OF THE ARMY,
New York, June 29, 1857.

SIR: The letter which I addressed to you in the name of the general-in-chief, on the 28th ultimo, his circular to the chiefs of staff departments same date; his general order No. 8, current series, and another now in press, have indicated your assignment to the command of an expedition to Utah Territory, and the preparatory measures to be taken.

The general-in-chief desires me to add in his name the following instructions, prepared in concert with the War Department, and sanctioned by its authority, whenever required.

The community and, in part, the civil government of Utah Territory are in a state of substantial rebellion against the laws and authority of the United States A new civil governor is about to be designated, and to be charged with the establishment and maintenance of law and order. Your able and energetic aid, with that of the troops to be placed under your command, is relied upon to insure the success of his mission.

The principles by which you should be guided have been already indicated in a somewhat similar case, and are here substantially repeated.

If the governor of the Territory, finding the ordinary course of judicial pro-

ceedings of the power vested in the United States' Marshals and other proper officers inadequate for the preservation of the public peace and the due execution of the laws, should make requisition upon you for a military force to aid him as *posse comitatus* in the performance of that official duty, you are hereby directed to employ for that purpose the whole or such part of your command as may be required; or should the governor, the judges, or marshals of the Territory find it necessary directly to summon a part of your troops, to aid either in the performance of his duties, you will take care that the summons be promptly obeyed. And in no case will you, your officers or men, attack any body of citizens whatever, except on such requisition or summons, or in sheer self-defence.

In executing this delicate function of the military power of the United States the civil responsibility will be upon the governor, the judges and marshals of the Territory. While you are not to be, and cannot be subjected to the orders, strictly speaking, of the governor, you will be responsible for a jealous; harmonious and thorough co-operation with him, or frequent and full consultation, and will conform your action to his requests and views in all cases where your military judgment and prudence do not forbid, nor compel you to modify, in execution, the movements he may suggest. No doubt is entertained that your conduct will fully meet the moral and professional responsibilities of your trust; and justify the high confidence already reposed in you by the government.

The lateness of the season, the dispersed condition of the troops and the smallness of the numbers available, have seemed to present elements of difficulty, if not hazard in this expedition. But it is believed that these may be compensated by unusual care in its outfit, and great prudence in its conduct. All disposable recruits have been reserved for it.

So well is the nature of this service appreciated, and so deeply are the honor and the interest of the United States involved in its success, that I am authorized to say that the government will hesitate at no expense requisite to complete the efficiency of your little army, and to insure health and comfort to it, as far as attainable. Hence, in addition to liberal orders for its supply heretofore given —and it is known that ample measures, with every confidence of success, have been dictated by chiefs of staff departments here—a large discretion will be made over to you in the general orders for the movement. The employment of spies, guides, interpretors or laborers may be made to any reasonable extent you may think desirable

The prudence expected of you requires that you should anticipate resistance, general, organized and formidable, at the threshold, and shape your movements as if they were certain, keeping the troops well massed and in hand when approaching expected resistance. Your army will be equipped, for a time, at least, as a self sustaining machine. Detachments will, therefore, not be lightly hazarded, and you are warned not to be betrayed into premature security or over confidence.

A small but sufficient force must however, move separately from the main column, guarding the beef cattle and such other supplies as you may think would too much encumber the march of the main body. The cattle may require

to be marched more slowly than the troops, so as to arrive in Salt Lake Valley in good condition, or they may not survive the inclemency and scanty sustenance of the winter. This detachment, though afterwards to become the rear guard, may, it is hoped, be put in route before the main body, to gain as much time as possible before the latter passes it.

The general-in-chief suggests that feeble animals, of draught and cavalry, should be left ten or twelve days behind the main column, at Fort Laramie, to recruit and follow.

It should be a primary object on arriving in the valley, if the condition of things permit, to procure not only fuel, but materials for hutting the troops. Should it be too late for the latter purpose, or should such employment of the troops be unsafe or impracticable, the tents (of Sibley's pattern) furnished will, it is hoped, afford a sufficient shelter.

It is not doubted that a surplus of provisions and forage, beyond the wants of the resident population, will be found in the valley of Utah; and that the inhabitants, if assured by energy and justice, will be ready to sell them to the troops. Hence no instructions are given you for the extreme event of the troops being in absolute need of such supplies and their being withheld by the inhabitants. The necessities of such an occasion would furnish the law for your guidance.

Besides the stated reports required by regulations, special reports will be expected from you, at the headquarters of the army, as opportunity may offer.

The general-in-chief desires to express his best wishes, official and personal, for your complete success and added reputation.

"I have the honor to be, sir, very respectfully, your obedient servant,

GEORGE W. LAY,
*Lieutenant Colonel Aid-de-Camp.*

*Brevet Brigadier General W. S. Harney,*
*Commanding &c., Fort Leavenworth, K. T.*

P. S.—The general-in-chief (in my letter of the 26th instant) has already conveyed to you a suggestion—not an order, nor even a recommendation—that it might be well to send forward in advance a part of your horse to Fort Laramie, there to halt and be recruited in strength, by rest and grain, before the main body comes up.

Respectfully,
G. W. L., *Lt. Col., Aid-de-Camp.*

Though the foregoing document shows no desire on the part of the Government to destroy those colonies of Mormons which were fast spreading over this western country, yet upon its face it bears remarkable evidence that the Buchanan expedition was projected without a sufficient knowledge of the real condition of Utah at that precise period, or of the feelings of her people towards the parent Government, whether loyal or disloyal. Take for instance the passage of instructions from the general-in-chief relative to supplies: "It is not doubted that a surplus of provisions and forage, beyond the wants of the resident population will be found in the Valley of Utah," etc.

The great military capacity and experience of General Scott, to say nothing of his humane character, would be sufficient evidence in the history that, when these instructions were given, he knew absolutely nothing of the real condition of the people of Utah during the year preceding; for that was the very year of the great famine in Utah, described in the foregoing chapter, which was likened to the famine in Egypt. There were thousands of people in Utah who had been hungry an entire year when those instructions were penned, and multitudes of little children in her valleys who had so often cried themselves to sleep, and forgotten the gnawings of hunger, till, sleeping or waking, hunger became as second nature to them; nor were there sufficient supplies in all the valleys of Utah to satisfy that hunger till the harvest of 1857, three months later than the date of General Scott's circular. Yet that general was about to quarter an army in or near Salt Lake City, with the full assurance that there were, at the time of the issuance of his orders, abundant supplies in the "Valley of Utah" "beyond the wants of the resident population" to feed his army. In view of this famine how suggestive of the ignorance of the Government concerning the condition of Utah, and the loyalty or disloyalty of her people, is the addendum of the commander-in-chief to General Harney: "Hence no instructions are given you for the extreme event of the troops being in absolute need of such supplies and their being withheld by the inhabitants. The necessities of such an occasion would furnish the law for your guidance." Had an army been ordered to Utah before the harvest of 1857, for the very purpose to literally devour the country and destroy the Mormon community root and branch by famine, rather than by the sword, the order, though inhuman, would not have been so inconsistant as General Scott's instructions with his undoubted humane intentions.

The only justification indeed of the Buchanan administration for sending the expedition, which all America soon confessed was the most humiliating blunder to be found in the whole history of the nation, was just in the fact that the Government knew scarcely anything of Utah affairs; and the simple explanation of this ignorance is that for six months preceding the inception of the expedition there had been no postal communication between Utah and the Eastern States. The mails had failed; Utah had been shut out from the rest of the world by an early and extraordinaryly severe winter; the handcart companies of Mormon emigrants came nearly perishing on the plains, buried in the snows; the entire Territory had risen to the rescue; the leaders had been absorbed in saving the community from perishing in the valleys in consequence of the famine, and their companies on the plains from a disaster which, but for the rescue, would have been as frightful to those emigrants as the retreat of Napoleon's army from Moscow, and withal the devoted people, whose homes were even then threatened with invasion, and their social and religions organization with utter dissolution were oblivious of the war cloud gathering over their heads. Meantime, a few Government officials, principal among whom were Judge Drummond and the very mail contractor who had failed to carry the mails, had betrayed the Government into the commission of a series of blunders, which soon provoked a general public condemnation and the investigation of Congress. The New York *Herald*, at the time, stated:

"Some of our cotemporaries have been publishing long letters dated from Utah, and containing heart-rending accounts of the sufferings inflicted on poor helpless women, by the brutality of the Mormon leaders. It is perhaps as well that the public should know that these letters are made up on this side of the Mississippi, and we have no doubt do more credit to the imagination than to the memory of their writers. No journal has a correspondent in Utah at the present time. It reflects some credit on the ingenuity of our cotemporaries to have bethought themselves of getting up an excitement about Utah just as Kansas died out.

"Of the facts of the case in Utah, it is very difficult to form a reliable judgment, simply because our most reliable authorities, such as Judge Drummond, now in Washington, are tainted with a suspicion of interested motives. * *

"There is no authority in the Constitution to justify an interference by Congress or the Federal Government with such an institution as polygamy in a Territory. It is as clearly without the pale of Congressional or executive regulation as slavery; if Congress may not pass a law to govern the one, it may not pass a law to govern the other; if the President cannot interfere to drive slavery out of Kansas; neither can he assume to drive polygamy out of Utah. Marriage, a civil contract, is essentially subject to the control of local, municipal, or civil laws; the Federal Government has nothing to do with it, and Congress can make no laws defining its nature, altering its effect, or prescribing penalties for breaches of its obligations committed by people residing within a Territory of the United States.

"Those, therefore, who assumed that Mr. Buchanan was going to carry fire and sword among the Mormons because they were polygamists, and to put down polygamy by force of arms, gave the President very little credit for judgment or knowledge of the instrument under which he holds his powers."

The passage of the general-in-chief's instructions relative to "a surplus of provisions and forage," in a land of famine, is not more remarkable in the history than the information given to General Harney, as the reason and justification for the invading expedition which he was to command: "The community and, in part, the civil government of Utah Territory are in a state of substantial rebellion against the laws and authority of the United States. A new civil governor is about to be designated, and to be charged with the establishment and maintenance of law and order. Your able and energetic aid, with that of the troops to be placed under your command, is relied to issue the success of his mission."

Read a century hence, issolated from the well connected history of Utah, whose every fact and circumstance now can be verified, the circular and letter of instructions, representing the views of the Administration, would be received as an established record that the people of Utah had made public demonstrations of rebellion; that Brigham Young was in actual usurpation, and that defiant word had been sent by the citizens that they would not receive any Governor other than of their own choice; nor would even this view be sufficient coupled with the following passage indicating that Utah was in actual attitude of war at that moment against the United States: "The prudence expected of you requires that you should anticipate resistance, general, organized and formidable, at the

threshold, and shape your movements as if they were certain, keeping the troops well massed and in hand when approaching expected resistance. * * * You are warned not to be betrayed into premature security or over confidence."

Nothing, however, up to this date, had occurred to warrant the conclusion that the people of Utah were "in a state of substantial rebellion." No mass meetings had been held during 1856 to utter any protest, not even of the mildest form permitted by the Constitution, much less had they made any public demonstration that could reasonably be construed either into an act or intent of rebellion against the United States government. But in the reverse of this, as noted in the preceding chapter, a constitutional convention was held that very year; a republican constitution adopted, with the declaration of rights already exhibited, and delegates were sent to Congress to ask for the admission of Utah into the Union. For historical suggestiveness, lay by the side of the documents proceeding from General Scott the following extract from the *Deseret News:*

"The delegates of the convention, from the various counties, except Green River, met in the Council House on the 17th inst. (March). The event was announced by the firing of cannon and music from Captain Ballo's band. Throughout the day flags floated from the cupolas of the Governor's mansion and Council House, also from the tall flag poles on the Temple Block and in front of the Deseret, and Livingston, Kinkead & Co.'s stores, from flag staffs on the roof of Gilbert & Gerrish's store, and from those on the roofs of many other public buildings.

"At an early hour a large concourse of citizens had assembled, anxiously awaiting the commencement of those deliberations and acts, which have for their object the addition of another star to the brilliant and thickly spangled constellation styled, *E Pluribus Unum.*

"The convention organized by unanimously electing the Hon. J. M. Grant, president; Mr. T. Bullock, secretary; Mr. J. Grimshaw, assistant secretary; Mr. R. T. Burton, sergeant-at-arms; Mr. W. C. Staines, messenger; Mr. T. Hall, doorkeeper; and Messrs. G. D. Watt and J. V. Long, reporters. At 12:30, adjourned until 2 p.m. * * * *

"In the afternoon the freedom of the convention was unanimously tendered to His Excellency the Governor, the United States officers of the Territory, President H. C. Kimball, the members of the Legislative Assembly, Hons. E. Snow, A. Lyman and E. Hunter, Hon. Elias Smith, Probate Judge of G. S. L. County, and the Aldermen of G. S. L. City.

"After a remarkably short, efficient, and harmonious session, the convention dissolved on Thursday, March 27.

"Hon. George A. Smith, and Hon. ohn Taylor, editor of the *Mormon*, were unanimously elected delegates to proceed to Washington, and lay before Congress Utah's request for admission into the Union.

"The Constitution of the State of Deseret was signed by every member of the convention, though they were from various climes and of diverse creeds, government officials, merchants, etc., etc., thus indicating, beyond controversy, the represented feelings of all classes of our Territorial population. If our memory correctly serves us, so general and fair a representation of the views and

feelings of the various districts of Territory, and so frank and hearty a blending of party interests, have never been excelled, if even equalled, in the initiatory action required for the admission of a new state. * * *

"Is Utah loyal? Aye, MOST LOYAL, beyond successful challenge or contradiction, as is and always had been proved by all her sayings and doings. But does she love corruption and oppression? Verily no, for her sons and daughters, with few exceptions, have been reared in the cradle of liberty, in common with the citizens of the States, and the pure mountain breezes keep that love fanned to a bright and unquenchable flame. And the few exceptions just named, those who were not born citizens of our Republic, are congenial descendents of that stock from which sprang our "Revolutionary Sires." They have left their fatherlands, as did our forefathers, to escape the oppressor's rod and find a loved asylum "in the home of the free." Then can Congress refuse to extend the broad folds of equal rights and constitutional liberty over that portion of the public domain, whose inhabitants will stand by the Union while a vestige thereof exists and blood flows in their veins? It is not to be presumed that any Congress could wish so to do, but if it might, by any possibility, be imagined that an opposite feeling could be indulged, who would like to face the mingled whirlwind of scorn and indignation that would then arise in the breast of every lover of truth and justice throughout the world?

"Utah is isolated, is full of rugged mountains, desert plains, and barren valleys, and peculiarly uncomely in the eyes of lovers of rich, well timbered soil, broad rivers, extended seaboards, and commercial marts. Let her present population leave her borders, and the few oases, now gladdened with the busy hum of civilized life, would soon revert to the occupancy of the rude savage, and crumbling desolation would mark the site of stately edifices.

"Utah, with but little aid from the parent, has grown rapidly amid all her disadvantages, and, amid the jealousy and hostility of numerous Indian tribes, to high position in wealth and numbers. And are not the intelligence and energy which have so rapidly produced such laudable results, where none others would thrust in their sickles, sufficient guarantee that Utah is most emphatically deserving of a state organization?

"She has wealth, a numerous, intelligent, and highly patriotic population, is accustomed to make her own public buildings, roads, and bridges, has successfully conducted the Indian wars waged within her boundaries, has nearly expelled litigation through a wise system of legislation and policy, furnishes few abominable and illegal acts to swell the record of earth's corruptions, not even enough to make her news spicy and interesting to the corrupt taste of a perverse generation; then is there any good, fair, valid reason why Utah should not be speedily admitted into the Union as a free, sovereign, and independent State named Deseret? Not one. Hence it is but fair to infer that Senators and Representatives in Congress will grant the prayer of Utah for admission as unanimously as she presents it, independent of sectional prejudices, strife and debate of every name and description, for only two questions are to be asked, viz: is her constitution republican? Is she willing and able to maintain a state govern-

ment? Every one knows that those questions, and every legitimate question that can be asked, admit of only affirmative answers."

The people of Utah waited hopefully for the favorable action of Congress until December, when Governor Young, in his annual message to the Legislature, thus reported upon the matter:

"In accordance with Acts of the Legislative Assembly, a Constitution was formed and adopted, the census taken, and delegates chosen to present our application to Congress for admission into the Union as a sovereign and independent State. Recent advices from our delegates show that our application has not been presented, owing to the intolerance evinced by the predominant party in the House of Representatives.

"The enumeration of the inhabitants showed a population of near 77,000 in this Territory, and it is presumed that the addition to our numbers, since that was taken, would amount to about twenty thousand. This gives an aggregate equal to or exceeding the ratio of representation for Congressmen, removing every objection, if any were made, to our admission, on the score of insufficient population."

Simply a bare notice is here seen of opposition in Congress to the admission of Utah; but no indignant protest, much less anything to indicate a condition of rebellion; yet a few months later the United States ordered a military expedition to Utah to put down rebellion, restore its rule which had not been broken, while the President appointed a new Governor for the Territory, Hon. Alfred Cumming, of Georgia who when he did come was recieved by them with a loyal good will.

The Buchanan administration, however, had not acted without some information and prompting, which were considered by it sufficient at the time, but very insufficient soon afterwards; and it is with that information and prompting, or rather conspiracy, that this historital exposition has now to deal.

When in less than a year from the issuing of General Scott's circular, the House of Representatives passed a resolution requesting President Buchanan "to communicate to the House of Representatives the information which gave rise to the military expedition ordered to Utah" Lewis Cass, Secretary of State, reported that "the *only* document on record or on file in this department, touching the subject of the resolution, is the letter of Mr. W. F. Magraw to the President, of the 3rd of October last, a copy of which is hereto annexed:"

MR. MAGRAW TO THE PRESIDENT.

INDEPENDENCE, MISSOURI, October 3d, 1856.

"MR. PRESIDENT: I feel it incumbent upon me as a personal and political friend, to lay before you some information relative to the present political and social condition of the Territory of Utah, which may be of importance.

"There is no disguising the fact, that there is left no vestage of law and order, no protection for life or property; the civil laws of the Territory are overshadowed and neutralized by a so-styled ecclesiastical organization, as despotic, dangerous and damnable, as has ever been known to exist in any country, and

which is ruining not only those who do not subscribe to their religious code, but is driving the moderate and more orderly of the Mormon community to desperation. Formerly, violence committed upon the rights of persons and property were attempted to be justified by some pretext manufactured for the occasion, under color of law as it exists in that country. The victims were usually of that class whose obscurity and want of information necessary to insure proper investigation and redress of their wrongs were sufficient to guarantee to the perpetrators freedom from punishment. Emboldened by the success which attended their first attempts at lawlessness, no pretext or apology seems *now* to be deemed requisite, nor is any class exempt from outrage; all alike are set upon by the self-constituted theocracy, whose laws, or rather whose conspiracies, are framed in dark corners, promulgated from the stand of tabernacle or church, and executed at midnight, or upon the highways, by an organized band of bravos and assassins, whose masters compel an outraged community to tolerate in their midst. The result is that a considerable and highly respectable portion of the community, known from the Atlantic to the Pacific, whose enterprise is stimulated by a laudable desire to improve their fortunes by honorable exertions, are left helpless victims to outrage and oppression, liable at any moment to be stripped of their property or deprived of life, without the ability to put themselves under the protection of law, since all the courts that exist there at present are converted into engines and instruments of injustice.

"For want of time I am compelled thus to generalize, but particular cases, with all the attendant circumstances, names of parties and localities are not wanting to swell the calendar of crime and outrage to limits that will, when published, startle the conservative people of the States, and create a clamor which will not be readily quelled; and I have no doubt that the time is near at hand, and the elements rapidly combining to bring about a state of affairs which will result in indiscriminate bloodshed, robbery and rapine, and which in a brief space of time will reduce that country to the condition of a howling wilderness.

"There are hundreds of good men in the country, who have for years endured every privation from the comforts and enjoyments of civilized life, to confront every description of danger for the purpose of improving their fortunes. These men have suffered repeated wrong and injustice, which they have endeavored to repair by renewed exertions, patiently awaiting the correction of outrage by that government which it is their pride to claim citizenship under, and whose protection they have a right to expect; but they now see themselves liable, at any moment, to be stripped of their hard earned means, the lives of themselves and their colleagues threatened and taken; ignominy and abuse, heaped upon them day after day, if resented, is followed by murder.

"Many of the inhabitants of the Territory possess passions and elements of character calculated to drive them to extremes, and have the ability to conceive and have the courage to carry out the boldest measures for redress, and I know that they will be at no loss for a leader. When such as these are driven by their wrongs to vindicate, not only their rights as citizens, but their pride of manhood, the question of disparity in numerical force is not considered among their difficulties, and I am satisfied that a recital of their grievances would form an

apology, if not sufficient justification, for the violation on their part of the usages of civilized communities.

"In addressing you, I have endeavored to discard all feelings arising from my personal annoyances in the Mormon country, but have desired to lay before you the actual condition of affairs, and to prevent, if possible, scenes of lawlessness which, I fear, will be inevitable unless speedy and powerful preventives are applied. I have felt free to thus address you, from the fact that some slight requests made of me when I last left Washington, on the subject of the affairs of Kansas, justified me in believing that you had confidence in my integrity, and that what influence I could exert would not be wanting to terminate the unfortunate difficulties in that Territory; I have the pleasure of assuring you that my efforts were not spared.

"With regard to the affairs and proceedings of the probate court, the only existing tribunal in the Territory of Utah, there being but one of the three federal judges now in the Territory, I will refer you to its records, and to the evidence of gentlemen whose assertions cannot be questioned; as to the treatment of myself, I will leave that to the representation of others; at all events, the object I have in view, the end I wish to accomplish for the general good, will preclude my wearying you with a recital of them at present.

"I have the honor to be very truly yours, etc.

W. M. F. MAORAW."

John B. Floyd, Secretary of War, was only able to furnish to the House the correspondence of the expedition itself, commencing with the foregoing circular, and including the proclamation of Governor Young and the correspondence between him and Col. Alexander; the Department of the Interior furnished several letters from David H. Burr, Surveyor General of Utah, the office of Indian affairs made up a budget from the Indian Agents of the Territory, and the Attorney General's office supplied the following:

"ATTORNEY GENERAL'S OFFICE, February 24, 1858.

"SIR: In reply to so much of the resolution of the House of Representatives, of the 27th ult., referred by you to this office, calling for 'information which gave rise to the military expeditions to Utah Territory,' etc., I have the honor to transmit herewith:

"1. The letter of resignation of W. W. Drummond, Associate Justice of Supreme Court of Utah Territory.

"2. The letter of Curtis Bolton, deputy clerk of the Supreme Court of Utah Territory, in reply to allegations contained in W. W. Drummond's letter of resignation; the above being all the correspondence on the files of this office relating to the subject.

"I am, very respectfully,

J. S. BLACK.

*The President.*"

"NEW ORLEANS, LA, April 2, 1857.

"DEAR SIR: When I started for my home in Illinois, I designed reaching

Washington before the executive session adjourned, but could not accomplish the long and tedious journey in time; thence I concluded to come this way, and go up the Mississippi river to Chicago.

"You will see that I have made bold charges against the Mormons, which I think I can prove without doubt. You will see by the contents of the enclosed paper, wherein is inserted my resignation, some of the reasons that induced me to resign. I now refer you to Hon. D. W. Burr, surveyor general of Utah Territory, Hon. Garland Hurt, Indian agent; also C. L. Craig, Esq., D. L. Thompson, Esq., John M. Hockaday, Esq., John Kerr, Esq., Gentiles of Great Salt Lake City, for proof of the manner in which they have been insulted and abused by the leading Mormons for two years past. I shall see you soon on the subject.

In haste, yours truly,

W. W. DRUMMOND.

*Hon. Jeremiah S. Black, Attorney General, etc.*"

RESIGNATION OF JUDGE DRUMMOND.

"MARCH 30, 1857.

"MY DEAR SIR: As I have concluded to resign the office of Justice of the Supreme Court of the Territory of Utah, which position I accepted in A. D., 1854, under the administration of President Pierce, I deem it due to the public to give some of the reasons why I do so. In the first place, Brigham Young, the Governor of Utah Territory, is the acknowledged head of the 'Church of Jesus Christ of Latter-day Saints,' commonly called 'Mormons;' and, as such head, the Mormons look to him, and to *him* alone, for the *law* by which they are to be governed: therefore no law of Congress is by them considered binding in any manner.

"Secondly. I know that there is a secret oath-bound organization among all the male members of the Church to resist the laws of the country, and to acknowledge no law save the law of the 'Holy Priesthood,' which comes to the people through Brigham Young direct from God; he, Young, being the vicegerent of God and Prophet, viz: successor of Joseph Smith, who was the founder of this blind and treasonable organization.

"Thirdly. I am fully aware that there is a set of men, set apart by special order of the Church, to take both the lives and property of persons who may question the authority of the Church; the names of whom I will promptly make known at a future time.

"Fourthly. That the records, papers, etc., of the Supreme Court have been destroyed by order of the Church, with the direct knowledge and approbation of Governor B. Young, and the Federal officers grossly insulted for presuming to raise a single question about the treasonable act.

"Fifthly. That the Federal officers of the Territory are constantly insulted, harrassed, and annoyed by the Mormons, and for these insults there is no redress.

"Sixthly. That the Federal officers are daily compelled to hear the form of the American government traduced, the chief executives of the nation, both liv-

ing and dead, slandered and abused from the masses, as well as from all the leading members of the Church, in the most vulgar, loathsome, and wicked manner that the evil passions of men can possibly conceive.

"Again: That after Moroni Green had been convicted in the District Court before my colleague, Judge Kinney, of an assault with intent to commit murder, and afterwards, on appeal to the Supreme Court, the judgment being affirmed and the said Green being sentenced to the penitentiary, Brigham Young gave a full pardon to the said Green before he reached the penitentiary; also, that the said Governor Young pardoned a man by the name of Baker, who had been tried and sentenced to ten years' imprisonment in the penitentiary, for the murder of a dumb boy by the name of White House, the proof showing one of the most aggravated cases of murder that I ever knew being tried; and to insult the Court and Government officers, this man Young took this pardoned criminal with him, in proper person, to church on the next Sabbath after his conviction; Baker, in the meantime, having received a full pardon from Governor Brigham Young. These two men were Mormons. On the other hand, I charge the Mormons, and Governor Young in particular, with imprisoning five or six young men from Missouri and Iowa, who are now in the penitentiary of Utah, without those men having violated *any criminal law in America.* But they were anti-Mormons—poor, uneducated young men *en route* for California; but because they emigrated from Illinois, Iowa, or Missouri, and passed by Great Salt Lake City, they were indicted by a probate court, and most brutally and inhumanly dealt with, in addition to being summarily incarcerated in the saintly prison of the Territory of Utah. I also charge Governor Young with constantly interfering with the federal courts, directing the grand jury whom to indict and whom not; and after the judges charge the grand juries as to their duties, that this man Young invariably has some member of the grand jury advised in advance as to his will in relation to their labors, and that *his charge thus given is the only charge known, obeyed, or received by all the grand juries of the federal courts of Utah Territory.*

"Again, sir, after a careful and mature investigation, I have been compelled to come to the conclusion, heart-rending and sickening as it may be, that Captain John W. Gunnison, and his party of eight others, were murdered by the Indians in 1853, under the orders, advice, and direction of the Mormons; that my illustrious and distinguished predecessor, Hon. Leonidas Shaver, came to his death by drinking poisoned liquors, given to him under the order of the leading men of the Mormon Church in Great Salt Lake City; that the late secretary of the Territory, A. W. Babbitt, was murdered on the plains by a band of Mormon marauders, under the particular and special order of Brigham Young, Heber C. Kimball, and J. M. Grant, and not by the Indians, as reported by the Mormons themselves, and that they were sent from Salt Lake City for that purpose, and *that only;* and as members of the Danite Band they were bound to do the will of Brigham Young as the head of the church, or forfeit their own lives. These reasons, with many others that I might give, which would be too heart-rending to insert in this communication, have induced me to resign the office of justice of the Territory of Utah, and again return to my adopted State of Illinois.

My reason, sir, for making this communication thus public is, that the democratic party, with which I have always strictly acted, is the party now in power, and, therefore, is the party that *should now* be held responsible for the treasonable and disgraceful state of affairs that now exists in Utah Territory. I could, sir, if necessary, refer to a cloud of witnesses to attest the reasons I have given, and the charges, bold as they are, against those despots, who rule with an iron hand their hundred thousand souls in Utah, and their two hundred thousand souls out of that notable Territory; but I shall not do so, for the reason that the lives of such gentlemen as I should designate in Utah and in California, would not be safe for a single day.

In conclusion, sir, I have to say that, in my career as justice of the supreme court of Utah Territory, I have the consolation of knowing that I did my duty, that neither threats nor intimidations drove me from that path. Upon the other hand, I am pained to say that I accomplished little good while there, and that the judiciary is only treated as a farce. The only rule of law by which the infatuated followers of this curious people will be governed, is the law of the church, and that emanates from Governor Brigham Young, and him alone.

I do believe that, if there was a man put in office as governor of that Territory, who is not a member of the church, (Mormon), and he supported with a *sufficient* military aid, much good would result from such a course; but as the Territory is now governed, and as it has been since the administration of Mr. Fillmore, at which time Young received his appointment as governor, it is noonday madness and folly to attempt to administer the law in that Territory. The officers are insulted, harassed, and murdered for doing their duty, and not recognizing Brigham Young as the only law-giver and law-maker on earth. Of this every man can bear incontestable evidence who has been willing to accept an appointment in Utah; and I assure you sir, that no man would be willing to risk his life and property in that Territory after once trying the sad experiment.

With an earnest desire that the present administration will give due and timely aid to the officers that may be so unfortunate as to accept situations in that Territory, and that the withering curse which now rests upon this nation by virtue of the *peculiar* and heart-rending institutions of the Territory of Utah, may be speedily removed, to the honor and credit of our happy country, I now remain your obedient servant,

W. W. DRUMMOND,
*Justice Utah Territory.*

*Hon. Jeremiah S. Black, Attorney General of the United States, Washington City, D. C.*

"GREAT SALT LAKE CITY, UTAH TERRITORY.

"SIR: My attention having been drawn to the letter of Justice W. W. Drummond, under the date of March 30, 1857, addressed to yourself, tendering his resignation as associate justice for Utah, wherein my office is called in question, I feel it incumbent upon me to make to you the following report:

"Justice W. W. Drummond, in his 'fourth' paragraph, says: 'The re-

cords, papers, &c., of the supreme court have been destroyed by order of Governor B. Young, and the federal officers grossly insulted for presuming to raise a single question about the treasonable act.'

"I do solemnly declare this assertion is without the slightest foundation in truth. The records, papers, &c., of the supreme court in this Territory, together with all decisions and documents of every kind belonging thereto, from Monday, September 22, 1851, at which time said court was first organized, up to this present moment, are all *safe* and *complete* in my custody, and not one of them missing, nor have they ever been disturbed by any person.

"Again, in the decision of the supreme court in the case of Moroni Green, the *which decision was written by Judge Drummond himself*, I find the following words: 'That as the case, for which Green was convicted, seems to have been an aggravated one, this court does remit the costs of the prosecution, both in this court and in the court below.' Green was provoked to draw a pistol in self-defence, but did not point it at any one. He was a lad of 18 years old. Much feeling was excited in his favor, and he was finally pardoned by the governor, upon a petition signed by the judges, and officers of the United States, courts, the honorable secretary of state, and many of the iufluential citizens of Great Salt Lake City.

"Again: in relation to the 'incarceretion of five or six young men from Missouri and Iowa, who are now (March 30, 1857,) in the penitentiary of Utah, without those men having violated any criminal law in America,' &c. This statement is also *utterly false.*

"I presume he alludes to the incarceration, on the 22d January, 1856, of three men, and on the 29th of January, 1856, of one more; if so these are the circumstances:

"There were quite a number of persons came here as teamsters in Gilbert and Gerrish's train of goods, arriving here in December, 1855, after winter had set in. They arrived here very destitute; and at that season of the year there is nothing a laboring man can get to do. Some of these men entered the store of S. M. Blair & Co., at various times in the night, and stole provisions, groceries, &c. Some six or eight were indicted for burglary, and larceny. Three plead guilty, and a fourth was proven guilty; and the four were sentenced to the penitentiary for the shortest time the statute allowed for the crime; and just as soon as the spring of 1856 opened, and a company was preparing to start for California, upon a petition setting forth mitigating circumstances, the governor pardoned them, and they went on their way to California. It was a matter, well understood here at the time, that these men were incarcerated more particularly to keep them from commiting further crime during the winter.

"Since that time there have been but four persons sentenced to the penitentiary, one for forgery and three for petty larceny, for terms of sixty and thirty days, to wit: One on the 19th November, 1856, for larceny, thirty days; two on the 24th November, 1856, for aggravated larceny, sixty days and one on the 26th January, 1857, for forgery, thirty days. So that on the 30th March, 1857, (the date of W. W. Drummond's letter,) there was not a white prisoner in the Utah

penitentiary; nor had there been for several days previous, nor is there at this present writing.

"I could, were it my province in this affidavit, go on and refute all that Judge W. W. Drummond has stated in his aforesaid letter of resignation, by records, dates, and facts; but believing the foregoing is sufficient to show you what reliance is to be placed upon the assertions or word of W. W. Drummond, I shall leave this subject.

"In witness of the truth of the foregoing affidavit, I have hereunto subscribed my name and affixed the seal of the United States supreme court [L. S.] for Utah Territory, at Great Salt Lake City, this twenty-sixth day of June, A. D. 1857.

CURTIS E. BOLTON,
*Deputy Clerk of said U. S. Supreme Court for Utah,*
*in absence of W. J. Appleby, Clerk.*

*Hon. Jeremiah S. Black,*
*Attorney General of the United States, Washington, D. C.*"

But these documents furnished to the House alone give no sufficient exposition of causes, though there is seen much relation between the letters quoted and the action of the Government. For a thorough exposition commensurate with the aims and purposes of a true and impartial history, we must go to a general review of Utah affairs, not only as regards the Mormon community in their own conduct, but also the conduct of the people of the United States towards them, whether friendly or hostile, which exposition will show that the Utah question has long been intensely a national question.

Strange as the assertion may appear, the real beginning of the train of causes and circumstances which led to the "Utah War," and its many complications, was the continuation of Brigham Young by President Pierce in the governorship, in 1855. That is to say, the United States gave the chief cause of offence against itself, and afterwards, by construction, made the potent and thorough administration of Governor Young, and the submission of the community to Federal rule under him, to signify a condition of actual rebellion. That which in the Governor and people of any other Territory or State would have been esteemed by the nation as legitimate and admirable was, in Brigham Young and the Mormons, a present treason and a direct intent to overturn and supplant the national rule with a Mormon Theocracy. The case had entirely changed since Stansbury had said in his report to the Government, "I feel constrained to say, that in my opinion the appointment of the President of the Mormon Church, and the head of the Mormon community, in preference to any other person to the high office of Governor of the Territory, independent of its politicial bearings, with which I have nothing to do, was a measure dictated alike by justice and sound policy. This man has been their Moses. * * * He had been unanimously chosen as their highest civil magistrate, and even before his appointment by the President, he combined in his own person the triple character of confidential adviser, temporal ruler, and prophet of God."

So far as Governor Young and the Mormons were concerned, this was also

all true when he was re-appointed by President Pierce, and therein was the inharmony which developed between Utah and the nation, resulting in the expedition. That which at first so eminently fitted Brigham Young for Governor of the colony which he led to these valleys, and multiplied substantially into a little State of the Union, now unfitted him in the eyes of the nation. To be the President of the Mormon Church and Governor of Utah Territory was made to signify the existence of a politicial Mormon Theocracy. The Mormon Moses, clothed with the mantle of Federal authority at the head of his people, appeared to the "Gentile" as an Israelitish rebeldom in the heart of the American republic. Thus the wording of a Stansbury, a Gunnison and a Thomas L. Kane was substituted by the wording a Drummond and a Magraw, without any real change of subject, or substitution of some new and reversed cause. In his masterly treatise of the Mormons and their institutions Gunnison had said: "For those who desire facts in the history of humanity, on which to indulge in reflection, is this offered. It were far easier to give a romantic sketch in lofty metaphors, of the genesis and exodus of the empire-founding Saints—the subject is its own epic of heroism, whose embellishment is left to imaginative genius, and its philosophy to be deduced by the candid philanthropist." This treatise of Gunnison is the loftiest exposition of the Israelitish theocracy of the Mormons ever written by Gentile pen. As his wording shows, he has treated his historical subject as an "Israelitish epic" wrought in modern times. In view of this epic monument of their history which the hand of Gunnison essayed to rear for the Mormons, it is both astonishing and monstrous that Judge Drummond, in his resignation, should charge Brigham Young with the instigation of his murder by the Indians. Such an act is not within our comprehension of human atrocities and ingratitude, especially when applied to a leader of Brigham Young's cast and sagacity, whose every act marked his deliberate anticipation of a sufficient compensation to himself or his people. The cruel and cowardly murder of Gunnison, by the order of Brigham Young, could not possibly have brought to him or his community such compensation; for, next to Colonel Thomas L. Kane, Captain Stansbury and Lieutenant Gunnison had done Governor Young and the Mormon community more service than any other men in America.

And it is scarcely less astonishing and monstrous that Drummond in his resignation should charge Governor Young and the Mormons with the poisoning of Associate Justice Shaver, and the tomahawking on the plains of Secretary Babbitt, seeing that Judge Shaver, was mourned by Salt Lake City, and his funeral sermon preached by its Mayor, just as the untimely fate of Gunnison was mourned in the message of Governor Young to the Legislature, and his memory thus honorably preserved on the official tablet of Utah's early history; while Secretary Babbitt was himself a Mormon, the chief politician of the community, the man whom the citizens chose and sent to Congress as their Delegate, when they set up the Provisional State of Deseret. Monstrous, however, as these charges of the murder of Government officials at the order of Governor Young must appear in any just exposition of the times of 1856-7, they were sent to the House of Representatives as among the chief causes of the Utah Expedition; yet it is worthy of note that there is an air of protest to the Drummond document in the presenta-

tion of the Attorney General. It is probable that, had the Hon. Jeremiah S. Black been the Executive, as well as the Judicial head of the Administration at this juncture, he would have viewed Utah and her affairs very much as Daniel Webster had done before, when Brocchus, Brandebury, Harris, Day and Ferris deserted three departments of the newly created Territory, and sought the invasion which was accomplished in 1857. Indeed. the sequel does actually show that the Attorney General, after the Proclamation of Pardon, by his constitutional decision prevented the re-opening of difficulties, and perhaps an actual war, between General Johnson and his troops on the one side, and Governor Cumming and the Utah militia on the other, which decision restored the Territory to the exact place where it stood, under Governor Brigham Young.

The true historical exposition, then, is that Utah was not in rebellion when the expedition was projected; and that the cause of all the offence on the Mormon side was simply that which the community has given from the beginning—in Ohio, in Missouri, in Illinois, in Utah. They were seeking to build up the Kingdom of God upon the earth; and Brigham Young, their Prophet and President of their Church, was also now, for the second time, Governor of Utah, in virtue of his being the great colonizer and founder of the Territory. "The strange and interesting people" were just as admirable when Drummond and Magraw wrote their communications to the Government, making the community hideous and instigating a war crusade against them, as they were when Stansbury reported them to the nation as the most wonderful colony of modern times, worthy of acceptance into the Union as a model state. But, as observed, a change had come over the vision; and the presence of the Mormon community, in 1857, had become as intolerable to the majority of the people of the United States as they had been to Missouri and Illinois. The spirit and temper which had possessed those States which had driven the Mormons from their borders, now possessed the whole of the United States. That little colony of religious exiles which had planted itself in the Valley of the Great Salt Lake in 1847, and, lifting reverently the Stars and Stripes on foreign soil, claimed it for the nation in that nation's own august name, had grown by their wonderful emigrations into a hundred colonies; but for this very reason, of their marvelous growth and organism, the people of the States east and west desired to rid themselves of the Mormons altogether; and, if needs be, to drive them with guns and bayonets from American soil. Senators and Representatives saw clearly that if the Mormons were allowed to remain within the American domains, they must inevitably become a State of the Union, and in the end play, perhaps, a controling part in party politics and the national destiny. This had been illustrated in Illinois, where they had held the balance of power between the Democrats and the Whigs. Their colonies were now fast spreading over this western country; they would settle territory which would come within the political boundaries of half a dozen States, in which they would cast their potent united vote; they would, by continued imigrations and rapid increase of offspring by their polygamy, which had offspring for its aim, multiply into a million of United States citizens within the century, whose united political power would be really formidable. Such were the anticipations and talk about Mormon Utah in those times in the newspapers of the

country, as may be seen by consulting their files of 1855-6-7. The New York *Herald* in one of its leaders declared seriously, and with some admiration withal, that the Mormons held "the whip handle" over the United States, Fillmore and Pierce had given it into the hands of Brigham Young. With Brigham, Governor, Utah was always right, and the United States always wrong. Such was the inference, and the reason clearly because such men as Brocchus, Ferris and Drummond were the representatives of the United States, as versus Brigham Young the Governor of Utah and President of the Mormon Church. And the New York *Herald* was verily right. It was just the difference in the officials who represented the United States versus Mormondom, and the governor who represented the United States to the glory and political destiny of the Utah which he had founded. Let alone for another decade, and what would this man, Brigham Young, and his Utah amount to in our national affairs?—he as Governor, exercising almost absolute authority in the name of the United States, in consequence of the potency of his own character, in consequence of the impotency of those sent against him to overbalance him, and in consequence of the constitutional rights of the people of Utah, as citizens of the United States, who earnestly and loyally supported his lawful and potent administration of Federal authority over the Territory; and, furthermore, in consequence of the fact that nearly all the other Federal officials, except the Mormon branch, first measured arms with the great Mormon Governor, and then deserted their posts, leaving the sole government of the Territory almost entirely in his hands. Invariably it was the anti-Mormon branch of the administration that commenced hostilities. They constituted themselves as missionaries delegated to put down Mormon rule in Utah, and this they did even when not a score of Gentiles were in the Territory, thus tantalizing the entire community and opposing the legitimate administration of the Governor. The opposing Judges were the most conspicuous, as also very potent, they usually forming a majority of the judicial branch of the Territorial administration antagonistic not only to Mormon rule, but to Mormon citizenship, as subsequent issues have shown. The Indian agents, on their part, though subordinate to Governor Young as Superintendent of Indian Affairs, aimed to frustrate his Indian policy, sought to stir up the Indians under his superintendency against him and the Mormons, spied upon his actions, and like spies made insidious and hostile reports against him as their chief, not only impeaching him, but recommending to the Government not to pay his accounts for expenditure in the Indian wars of the Territory.

Every time this "irrepressible conflict" between Governor Young and the anti-Mormon branch was manifested to the Government and the nation, resulting as it always did in the discomfiture and generally in the resignation of the antagonists of the Governor, the administration at Washington was both perplexed and provoked, and the country thrown into a state of excitement, and exasperated anger over Utah, and the Mormons. It was evident to the nation that this conflict and anomalous condition in the affairs of one of the Territories could not be permitted to continue another decade, and the demand for the removal of Brigham Young from the Governorship, and the appointment of a Gentile Governor in his place was very generally made by the country as the only solution to the Utah

difficulty. This President Franklin Pierce had sought to accomplish in the appointment of Colonel Steptoe, at the expiration of Governor Young's first term; but the declining and the petition which Steptoe and his officers headed, recommending the re-appointment of Governor Young forced the action of the President and Brigham into a second term of office. The re-appointment was probably quite in accord with President Pierce's own mind, but he soon found that the sentiment of the country was decidedly against it, and that a Gentile Governor was in popular demand, and that too for the very purpose of putting down Mormondom. Indeed the expressive epithet "Mormondom" was coined to fit the case, used first in the New York *Herald* and made to signify, in this connection, that the Mormon Church should be tolerated with all other Churches, but that the "Mormon theocracy" must be invaded and overthrown. This was first proposed to be accomplished by a Gentile Governor, supported by a new corps of Federal officers in accord with him, but later on as the irrepressible conflict grew, and the rage for an anti-Mormon crusade became general, the overthrow of politicial Mormondom was given to a United States army, sent to depose Brigham Young as a rebel Governor and to set another in his place.

President Pierce was charged with a political mistake in the continuation of Brigham Young, from the exception taken to his act both by political friends and politicial enemies, but the administration of Pierce was drawing to a close and it did not choose to inaugurate any new measures, which seeming indifference on the part of the Government only stirred up the opponents of Brigham Young to greater exertions, and every measure was adopted to secure some decided action. President Pierce, in disgust over this dissatisfaction of political friends and political foes, declared that he would make no more appointments for the Governorship of Utah as long as he held office, and thus Governor Young remained a colossus on his pedestal, on which anti-Mormon rage spent itself in vain, so far as disturbing the condition of affairs in Utah, but an action was worked up in the States against Utah and the Mormons scarcely less virulent in its animus than that which prevailed in the Republican party against slavery and the South.

The rise of the Republican party into power lifted Utah into a political situation, which while it gave her no political advantages, such as her admission as a State, exposed her to danger and left her open to the assault of her enemies. In the framing of its first platform the Republican party raised her to a kindred association with the South and, in every campaign where John C. Fremont was the standard bearer of the party, there could be read

"*The abolishment of slavery and polygamy; the twin relics of barbarism.*"

Undoubtedly General Fremont had much to do with the sharpening of this politicial directness that associated Utah and the South in the "irrepressible conflict," which the Republican party was inspiring in the country for the overthrow of the Democratic party, and which struck Utah with a military expedition before it struck the South. And though it would fall short of Fremont's dignity and national reputation to class him with Drummond, or to charge him with malice towards Utah, yet it should not be forgotten that there had existed a re-

lation between him and the Mormons for many years, in which there was nascent much of the "irrepressible conflict" which he sought to infuse into the political contest of the nation against Mormon Utah. He was the son-in-law of Senator Thomas H. Benton, whom the Mormons at that time looked upon as the greatest political enemy they ever had, and there had been something of a rivalry between the Mormons and Fremont, relative to the possession of California. This had dated as far back as the lifetime of Joseph Smith, who, at the very moment when Fremont was designing the conquest of California with a volunteer army, had petitioned the President of the United States and Congress to allow him to occupy that Mexican province with a colony of a hundred thousand Mormons. Senator Douglass favored "General" Smith's project versus General Fremont's; and accompanied with Fremont's report on California, which had just been printed by the Senate, but not yet made public, the Senator from Illinois dispatched his urgent advice to "General" Smith to at once start for the possession of the Pacific coast with his Mormon colony. It was undoubtedly a knowledge of the Mormon Prophet's design to possess California by his colony, as preferred by Douglass to the somewhat filibustering character of his son-in-law's proposed expedition, that so strongly set Benton against this Mormon colonization in the west, the wonderful success of which the simple relation of the historical fact is proving to be the real cause, not only of the Utah Expedition, but also of all the special legislation in Congress to this day against "Mormon Utah." This at the last effort was very strikingly illustrated by General Cullom in his affirmation to the Senate, substantially to the effect that, if the successful Mormon colonization of the west was not stopped by some radical measure of Congress, the Mormons would control half a dozen States in the west, and thus give the balance of power in the national politics against the Republican party, which at its birth made proclamation of war against Mormondom. Now it is just in this political vein that the historian finds the real cause and animus of the Utah Expedition, and of all the action and special legislation against Mormon Utah to this day, and not in the charges of Magraw and Drummond, nor even polygamy, though the former furnished excuse for the Expedition, as the other does protest for special legislation.

In Missouri and Illinois, this political vein of the Mormon question was only locally defined. It was Senator Benton who first gave it a national significance, and now, upon the political banners of his son-in-law, it was proclaimed with mottoes classing Utah and polygamy with slavery and the South. This development of the history, gives interest and significance to a brief review of the case of Fremont and the Mormons, in the occupation of the Pacific Slope.

Destiny led the Mormon pioneers to the valleys of Utah. Destiny went with the Mormon battalion to California in the expedition of General S. W. Kearney, whose instructions from the Secretary of War were to "conquer" California, and set up a provisonal military government there in the name of the United States. California, however, was won by Fremont and his volunteers, and the United States flag was hoisted in the Bay of San Francisco by Commodore Stockton before the arrival of General Kearney. A battle or two, by the regular troops, under Kearney, completed the conquest. Had not the General

been forestalled by Fremont, the Mormons would have been among his most reliable soldiers in the conquest of that country. As it was, Kearney found the situation claimed by several rival governors. Fremont was the hero. Fremont was his great rival. The hero was in rebellion. He refused at first to resign to the military chief the government of the conquered Province. He might have even won the position from the rightful Governor on the strength of his claims as conqueror, supported by his popularity; but at this crisis of affairs, Col. Phillip St. George Cooke arrived in California with his command—the Mormon battallion. Their coming gave to Kearney the victory over his rival. He consulted with Colonel Cooke, who assured him that he could rely on his Mormon soldiers to a man. This decided the General. He resolved to force the issue and arrest his rival. This was consummated, and Fremont was carried to Washington for trial, *under a Mormon guard.* The famous case of Kearney and Fremont, forms quite a chapter of American history, but it is not so well known how conspicuous a part the Mormon soldiers played in the case.

The political banners of Fremont as a candidate for the Presidential chair, with their motto, "The abolishment of slavery and polygamy; the twin relics of barbarism," are scarcely more significant than the foregoing review, touching the personal case of himself and the Mormons.

After the rise of the Republican party, this political vein of the Mormon question grew so broad and rapidly in the political mind of the great parties, at this time struggling for the supremacy, that even Senator Douglass was overwhelmed with the necessity of taking up the conflict against the Mormons, whose united vote had sent him to the Senate, and towards whom, up to the present time, he had manifested not merely political gratitude, but even personal friendship.

In politics, Senator Douglas and the Mormons were in perfect accord. His "squatter-sovereignty" was their political creed, and while they sought his influence at the seat of Government, he found in them the living exponents of the sovereignty doctrine to which he devoted his life. Just here, his advice to the Mormon Prophet, as reported by Orson Hyde may be repeated with much historical pertinence:

"We have this day [April 26] had a long conversation with Judge Douglass. He is ripe for Oregon and California. He said he would resign his seat in Congress, if he could command the force that Mr. Smith could, and would be on the march to that country in a month. 'In five years,' he said, 'a noble State might be formed, and then if they would not receive us into the Union, we would have a government of our own.'"

The Mormons had not gone to the extent of Senator Douglass' counsel. They had, indeed, built up what they considered a "noble State" of the Union and had repeatedly offered it to Congress for acceptance, which had been rejected; but they had not in consequence of this rejection "set up an independent government of their own," which fidelity to the nation doubtless Douglass approved seeing that the treaty had ceded this then Mexican Territory to the United States. There had been then no political change between Douglass and

the Mormons. The case was simply that Douglass was at that time an aspirant for the Presidency of the United States, and this position he could only reach as the candidate of the State which had expelled the Mormons.

In the spring of 1856 Senator Douglass delivered a great speech at Springfield, Illinois. It was the announcement of his platform before the assembling of the conventions that were to nominate the successor of President Pierce. In that speech the senator characterized Mormonism as "the loathsome ulcer of the body politic" and recommended the free use of the scalpel as the only remedy in the hands of the nation. But there were those in the States, such as Thomas L. Kane, who had given Douglass' name to President Filmore as surety for Governor Young, and Mr. Fred. Hudson, the great manager at the time of the New York *Herald*, who viewed the speech of the Senator from Illinois in its true light. Hudson's confidant, an assistant, on Utah affairs, noticing this passage in American politics of himself, wrote: "My first impulse was to notice the speech, but a careful examination of it rendered the expediency of such a course very doubtful. There were so many 'ifs,' and so often 'should it be,' that it was at last concluded to leave it alone, for the senator might, after all, have said what he did from the necessity of sailing with the popular tide against the Mormons, while, at the same time, he might in the Senate demand evidence of the criminality of the Mormons before any action was taken against them."

But the Mormon leaders were so incensed at the action of Douglass that it became impossible for him to prompt the Senate to an investigation of Utah affairs by a commission. An irreconcilable breach was made. The *Deseret News* (undoubtedly speaking with Governor Young's voice) replied to the speech, and the Illinois statesman was reminded of the time when he was "but a county judge," and when the Prophet Joseph told him that he would some day be an aspirant for the chair of Washington; that, if he continued the friend of the Mormons, he should live to be President of the United States; but if he ever lifted his finger or his voice against them, his plans should be frustrated and his hopes utterly disappointed. All this, the successor of the Mormon Prophet circumstantially related to the senator in reply to his Springfield speech and closed in the name of the Lord, with the prediction that Douglass should fail, and never attain the goal of his ambition.

The prediction of the Mormon Prophet in his conversation with Douglass is singularly authentic and was published years before the Illinois Senator recommended the Government to "cut the loathsome ulcer out," which recommendation makes the story pertinent here as referring to Utah and the causes of the Buchanan expedition.

The Democratic convention meet in Cincinnati soon after the speech, and Senator Douglas was a candidate for the Presidency of the United States: Buchanan was nominated and Douglass defeated.

But neither the defeat of Douglass nor the triumph of Buchanan changed the "manifest destiny" that so singularly made Utah the political scapegoat of the times. She was declared to be the sister of the South, with a common fate, but the South had not yet chosen to recognize her. During that campaign, in the fall of 1856, Republicans carried the banner hostile to polygamy, and Democrats

made speeches against the same institution. The only difference was, that the Republicans saw more clearly, or sensed more instinctively than the Democrats, that the Mormons and the Democrats had a common cause and a common fate. In fine the political action in the country in the fall of 1856 left the Mormons no friends in any of the States and it was this very fact and not their right doings nor their wrong doings, in Utah that determined the Government to send the expedition.

On the 4th of March, 1857, Mr. Buchanan was inaugurated President of the United States, and he and his cabinet, like Douglas, was soon overwhelmed with the popular wave that rose at that time, to lash to fury in vain upon the Rocky Mountain Zion; but which, astonishingly to be told. immediately thereafter swept over the South and baptized the United States in the blood of civil war.

## CHAPTER XVI.

REVIEW OF JUDGE DRUMMOND'S COURSE IN UTAH. HE ASSAULTS THE PROBATE COURTS AND DENOUNCES THE UTAH LEGISLATURE AT THE CAPITOL. JUDGE SNOW'S REVIEW OF THE COURTS OF THE TERRITORY. HIS LETTER TO THE COMPTROLLER OF THE TREASURY. JUDGE DRUMMOND LEAVES UTAH AND COMMENCES HIS CRUSADE. THE CONSPIRACY TO WORK UP THE "UTAH WAR." THE CONTRACTORS. CHARGES OF INDIAN AGENT TWISS. POSTAL SERVICE. CONTRACT AWARDED TO MR. HYRUM KIMBALL. GOVERNOR YOUNG ORGANIZES AN EXPRESS AND CARRYING COMPANY. NEW POSTAL SERVICE. WAR AGAINST UTAH. POSTOFFICE DEPARTMENT REPUDIATES ITS CONTRACT. "TROOPS ARE ON THE WAY TO INVADE ZION!"

Thus it appears in reviewing the political history of 1856, that the complications of the nation herself, tending towards the great war conflict between the North and the South, drew Utah into the vortex, almost without any action of her own, whether good or bad; but no military expedition could be sent against her without circumstantial causes. The charges of Drummond and Magraw were considered to be sufficient, which fact makes a review of themselves and their action in Utah affairs necessary to the development of the history of a crusade that cost the nation fifty millions of money, and, for awhile, threatened these valleys with desolation.

The following passage from a letter of a member of the Utah Legislature, Samuel W. Richards, to his brother in England, dated Fillmore City, December 7th, 1855, gives a very suggestive opening to Judge Drummond's administration in this Territory:

"You have, no doubt, heard of the appointment and arrival of Judge Drummond in this Territory. He has lately been holding court in this place, which has given him an opportunity to show himself. * * * He has *brass* to declare, in open court, that the Utah laws are founded in ignorance, and has attempted to set some of the most important ones aside. This being the highest compliment he has to pay to Utah legislators, we shall all endeavor to appreciate it, and he, no doubt from his great ability to judge the merits of law, will be able to appreciate the merits of a return compliment some day. His course and policy so far seem to be to raise a row if possible, and make himself notorious.

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"In speaking of Judge Drummond, I might have named the fact that he compliments a Mormon jury by taking his wife on to the judgment-seat with him, which she occupies almost constantly. There was one case, however, of such a character that she did not appear."

In a letter of a later date (January 5th, 1856,) the same correspondent wrote.

"Some little excitement prevails in town to-day. An affair took place between Judge Drummond and a Jew trader here, which was rather amusing at the time, but may be something more than *fun* for the Judge before he gets through with it. A grand jury is meeting this evening, which will bring in an indictment against the Judge and his negro, Cato, for assault and battery with intent to murder; and he will be arrested and brought before the probate court on Monday morning next, a 9 o'ctock, just at the time he should answer to his name in the supreme court, which sits at that hour. * * *

"He has virtually ruled our probate courts out of power in his decisions, but we will now know whether probate courts can act or not, especially in his case. * * *

"Judges Kinney and Stiles, Babbitt, Blair, and nearly all the lawyers in the Territory, United States' Marshal, etc., are expected in here to-morrow, as the supreme court opens on Monday. There is only one case that I am aware of to come up before that court, and that of not much account. * *

Evening.

"The party alluded to just above have arrived. A. W. Babbitt comes in a prisoner. He has been arrested by order of Judge Drummond, on the supposition that he was concerned in the escape of Carlos Murray, who was brought here a prisoner some time since, but is not here now. There is quite an excitement in town about matters and things. I wish this letter was to go one week later, so as to give you the result of the present commotion, which will probably decide the jurisdiction of our probate courts."

The case of the "wife" was a greater outrage both to the government and the community than this indignant member of the Legislature knew at the time. Associate Justice Drummond had brought with him to the Territory a "lady companion," while his wife and family were left in Illinois. After the notice of his arrival had been published in the *Deseret News*, some of the relatives of Mrs.

Drummond paid a visit to the judge's "companion," and, unfortunately for the honor of the bench, the "lady" from St. Louis did not answer to the description of the wife in Oquawkee. The discovery was noised abroad, yet so shameless was the conduct of this judge and his paramour that she traveled with him wherever he held court, and on some occasions sat beside him on the bench.

"Plurality of wives," comments Stenhouse, "was to the Mormons a part of their religion openly acknowledged to all the world. Drummond's plurality was the outrage of a respectable wife of excellent reputation for the indulgence of a common prostitute, and the whole of his conduct was a gross insult to the Government which he represented, and the people among whom he was sent to administer law. For any contempt the Mormons exhibited towards such a man, there is no need of apology."

Here is exhibited the very onset of the conflict, relative to the jurisdiction of the probate courts in this Territory, and the existence and business of a Territorial marshal, a conflict that continued to the days of Chief Justice McKean; but it is clear from the record that, whether the Utah Legislature made its laws in ignorance or not, it had shown no intent to subvert the federal rule, or to set aside United States Courts to give the jurisdiction to the probate courts; yet this is the very charge made against Governor Young and the Utah Legislature—namely, that they did both with intent and treason so set aside federal rule, substituting, an ecclesiastical rule under the guise of probate courts. "With regard to the affairs and proceeding of the probate court, (wrote Magraw to the President) *the only existing tribunal* in the Territory of Utah, there being but one of the three federal judges now in the Territory, I will refer you to its records, and to the evidence of gentlemen whose assertions cannot be questioned," while the associate justice wrote, "The judiciary is only treated as a farce. * * It is noonday madness and folly to attempt to administer the law in that Territory. The officers are insulted, harrassed and murdered for doing their duty, and not recognizing Brigham Young as the only lawgiver and lawmaker upon earth."

In the reverse of this the foregoing notes, from one of the legislators to his brother, show us a judge, who was sent to execute the laws of the Territory, rudely assaulting the lawmaking department and ruling out of power the probate courts, which it had endowed with a jurisdiction necessary to the commonwealth under peculiar circumstances. This conflict thus begun by Judge Drummond, in 1855-6, against the Territorial commonwealth, falsely interpreted to Buchanan's administration, is rendered in General Scott's instructions as "state of substantial rebellion against the laws and authority of the United States."

The burden of the subject resting then, at this point with the jurisdiction of our probate courts, and the Territorial business generally, it is needful that we enlarge the review of previous chapters relative to the reasons of the superior jurisdiction given to those courts, and the creation of the offices of Territorial Marshal, Attorney General and District Attorney. The reason in fine was the desertion of the Chief Justice and one of his associates, accompanied by the Secretary of the Territory and Indian Agent, carrying away all the government funds. It is not necessary to again review their conduct, or to reaffirm the justification of Governor Young and the Mormon community, but simply to repeat

the connecting cause of the powers which the legislature conferred upon the probate courts and the creation of the Territorial officers. Associate Justice Snow was not set aside by the Legislature, but an enabling act was passed authorizing him to hold United States Courts in all the districts; at the same time jurisdiction was given to the probate courts in civil and criminal affairs in the interest of the commonwealth, lest it should be left altogether unable to administer in the departments of justice, which would have been the case at that moment had Associate Justice Snow died or left the Territory. Mr. Magraw himself unintentionally illustrated this point, when he told the President that the probate court was the only existing tribunal in Utah, "there being but one of the three federal judges now in the Territory." This was the exact case at the onset when the probate court was created.

Already extracts have been made from the correspondence between Judge Snow and the Hon. Elisha Whittlesey, who drew a strong line of demarcation between United States and Territorial business, making it absolutely necessary for the Territory to assume the responsibility and cost of its own business. This, however, the legislature did against its own judgment, holding that the Territorial District Courts were really United States Courts. Judge Snow, continuing the correspondence, discussing the subject with the comptroller of the treasury in behalf of his court and the legislature, said in his letter of February 8, 1853:

"To enable you to fully understand the present situation of things, before proceeding further, I will inform you that the Legislative Assembly passed an act, approved October 4th, 1851, authorizing and requiring me, for a limited time, to hold all the courts in the Territory, but said nothing about jurisdiction, appellate or original. (See Utah Laws, p. 37.)

"February 4, 1852, another act was approved, giving jurisdiction to the district courts in all cases, civil and criminal, also in chancery. (See *ib.*, p. 38, sec. 2.) The same law gave jurisdiction to the probate courts, civil and criminal, also in chancery. (See *ib.*, p. 43, sec. 36.) An act was approved March 3d, 1852, providing for the appointment of a Territorial Marshal, Attorney General and District Attorneys, to attend to legal business in the district courts when the Territory should be interested. (See *ib.*, pp. 56, 57.)

"I do not intend to be understood as expressing any opinion in relation to the legality of these several enactments, but I only mention them to enable you to understand the present views of the Legislative Assembly, as expressed in a report to which I shall soon refer. This report was called out by reason of the non-payment of these costs. I having referred the claimants to the Legislative Assembly, they procured my certificate of their correctness and petitioned for payment. The petition was referred to a committee on claims, and, to enable that committee to understand the subject, the Council passed a resolution, requesting me to inform them of the amount of costs of holding the courts for the past year, distinguishing those which in my opinion should be paid by the general government from those payable by the Territory.

"With this request I complied, and gave the reasons of my opinion, acting

on the principle that the reasons of an opinion are often of far more value than the opinion itself. In so doing I laid before them my correspondence with you, and referred to such of the laws of the United States as in my opinion had a bearing on the subject, and to the enactments. I also went minutely into the usual officers of the courts and expenses attendant upon them, and showed how these officers and courts are usually paid, in both civil and criminal cases, together with the payment of the incidental expenses, making my answer quite lengthy, too much so for insertion in this communication.

"This committee reported adversely to payment by the Territory, but upon what principle I have not been informed. The subject was then referred to a judiciary committee, composed of some of the best members of the council. This committee reported adversely to payment by the Territory, and gave their reasons. This report was adopted, therefore I proceed to notice the positions taken by them.

"They commence with what they call the equity of the principle involved in the question presented, saying that nearly all the costs of courts here have accrued by reason of emigration passing through here to California and Oregon, and that justice requires the United States to pay such expenses.

"My experience in the courts thus far justifies the firm belief that the facts here assumed are correctly stated. See my concluding remark in my letter of July 10. But with this equitable consideration, I am unable to see what I have to do, though I can see its bearing when addressed to the political branches of the government by whom and to whom that matter was then addressed.

"They further take the position that the United States and the Territory of Utah respectively must sustain and bear the expenses, direct and incidental, of the officers and offices of its own creation, that the supreme and district courts were created, not by a law of Utah, but by a law of the United States; and as such, by the Organic Act, they have jurisdiction, civil and criminal, in all cases not arising out of the constitution and laws of the United States, unless such jurisdiction should be limited by a law of the Territory; that congress, by extending the constitution and laws of the United States over the Territory, and creating courts and appointing officers to execute these laws, had done what was her right and duty to do, but, as she had seen fit to go further and give jurisdiction to her courts and require her officers to execute the laws of the Territory, it had become her duty to sustain these courts and officers, and bear their expenses; that the Territorial Legislature, by giving jurisdiction to these courts and dividing the Territory into districts, had done nothing but discharge a duty which Congress had required at their hands, but this did not require them to bear any part of the expenses; that these courts took jurisdiction in all cases, not by virtue of the Territorial laws, but by a law of Congress; that the Territories, by their Organic Acts, are not independent governments within the meaning of the term that all just powers emanate from the government, but are subordinate, dependent branches of government; that Congress did not intend to give any court jurisdiction in civil and criminal cases at common law and in chancery, but the supreme and district courts, and, as she had reserved the right to nullify any act of the Legislative Assembly, she could enforce obedience to her mandates; that, with such a state of things, it is contrary to every principle of justice and

sound legislation to require so dependent a branch of government to bear any part of the expenses of enforcing the laws; that the officers, having charge of that branch of public service, ought not to so construe the acts of Congress as to produce such results, so long as the long as the laws will admit of a construction consistent with justice and sound legislation; that, in their opinion, the acts of Congress did not require such a construction, but on the contrary they strongly indicated, if they did not require, the construction contended for by them; and that the same principle which would require such dependencies to pay a *part* (of the expenses) would require them to pay the *whole*, and with that construction Congress might, at the expense of the Territories, impose upon them any embodiment of officers she, in her discretion, might see fit to send, which never could have been intended by the framers of the constitution.

"This report concludes by recommending that these costs be referred to me, with the opinion of the council that they are payable out or the annual appropriations made by Congress for defraying the expenses of the circuit and district courts of the United States, and by recommending that the laws of Utah be so amended as to take away the jurisdiction of the probate courts at common law, civil and criminal, and in chancery, and abolish the offices of territorial marshal, attorney-general, and district attorneys, so that the United States, by her judges, attorneys and marshals may execute the laws of the Territory. But, as this report was not made until a late day in the session, the laws were not so amended. Should the next Legislative Assembly in these matters concur with this, the laws above referred to will either be repealed or modified."

It will be seen by this report of the committee that the Utah Legislature, as early as 1852-3, desired to do what, after twenty years of conflict, was accomplished,—namely, to limit the jurisdiction of the probate court and to abolish those Territorial officers which had been created from necessity, "so that the United States, by her judges, attorneys and marshals may execute the laws of the Territory."

It appears, then, from this review made by Associate Justice Snow, long before the date of the Utah Expedition that the conflict which arose in the courts of Judges Drummond and Stiles, furnishing the most direct cause of said expedition, was not in consequence of the Legislature desiring to limit the legitimate rule of the federal officers, much less to put the Territory in the attitude of rebellion, but rather that Drmmond and others sought the conflict with the very design so soon afterwards expressed in the Utah war. Such, at least, was the opinion of the Mormon people.

In the Spring of 1857, Associate Justice Drummond went to Carson Valley ostensibly to hold court, instead of which he immediately left Carson for California to commence his crusade. As soon as he reached the Pacific Coast he made a fierce attack upon the Mormons in the papers of San Francisco. He next from New Orleans April 2, 1857, dispatched his resignation to the Government that it might reach Washington before the executive session adjourned. His exposure—much of it false and much of it exaggerated—added to the affidavit of Judge Stiles who was then in Washington, arroused Congress to demand immediate action.

Meantime, while this war crusade was being worked up against Utah, she was making extraordinary efforts to bring herself into closer relations with the Eastern States, and a broader intercourse with the world generally. As already seen, early in the year 1856, she had made a grand demonstration for admission into the Union, and now the close of the year saw her undertaking a great enterprise to aid the Government in its postal service, enlarge her own commerce, and establish a line of settlements between Great Salt Lake City and the Eastern frontiers. One of the citizens of Utah, Mr. Hiram Kimball, had obtained the contract from the Post Office Department for the transportation of the United States mails across the plains between Independence, Missouri, and this city. Hitherto the postal service with Utah had been very unsatisfactory, the contracts being exceedingly low, which gave the contractors, who were only commercially interested in Utah, nothing of the citizen's impulse and ambition to perfect the mail service. Feramorz Little, indeed, as a sub-contractor, had on former occasions made exceedingly short time, but up to the letting of the contract to Mr. Hiram Kimball, the enterprising men of Salt Lake City, whose commercial facilities would be greatly enhanced by the organization of a grand carrying company, had found no opportunity for such a design. The contract of Mr. Hiram Kimball amounted to only $23,600 for the mail service, but Governor Young saw in it the foundation of a gigantic express company, such as only he could possibly organize, having at his back an entire community who was so vitally concerned in the enterprise.

Locked out by deep snows on the mountains from nearly all intercourse with the Eastern States during the terrible winter of 1856, and almost as destitute of news from the Pacific, the Mormons had little idea of the stir which Utah had created everywhere throughout the Union since the former contractor, Magraw, had written his letter to the President of the United States, dated Independence, Missouri, October 3, 1856, since which time, they had received no mail; much less did they know of the inception of the "contractors' war," as in the sequel the Utah Expedition was very generally considered to be.

Taking up the mail contract of the Government in good faith, and with that executive promptness and confidence in his recources which were so characteristic of the man, Governor Young bent all his energies to organize the "B. Y. Express." He gathered around him the most intrepid men of the mountains, urged the brethren who had stock to join in the enterprise, and suceeded in controlling all that was necessary to make such a gigantic company as that which he designed successful. There were many companies organized with outfitting teams, tools, farming utensils, etc., to form settlements over the entire line, though at that date there were only a few mountaineers living between Salt Lake City and the terminal point.

The winter snows of 1856-7 had tarried long on the mountains and the plains, and this rendered the stocking of the road and the building of stations over the long distance of 1,200 miles a very severe task. But there was every incentive to more than ordinary diligence. The Government had never exhibited much favor to any Mormon citizen. The acting postmaster at that time, Judge Elias Smith, was only a deputy of the gentile postmaster, Mr. William

Bell. Any delay now in commencing the new mail contract might be seized as a pretext for repudiating the new contractor, which really turned out to be the case when the expedition made it convenient for the Government to find such a pretext. With this fully impressed upon their minds, the most daring and hardy of the mountaineers were called by Governor Young to assist, and in an incredibly short space of time, and in the midst of very severe weather, stations were built and relays of horses and mules were strung all the way along the traveled route, from the mountains to the Missouri river. There was a fair prospect that the "B. Y. Express Carrying Company" would soon grow into the vast enterprise as designed, conveying all the merchandise and mails from the East and placing Utah, by means of express messengers, in daily intercourse with the rest of the world, a decade before that desired end was accomplished by the railroad. But this very enterprise, undertaken in the service of the Government, having for its aim also the general good and commercial advancement of this western country, and for the safety of the emigrations, which were fast peopling these young States and Territories, was construed against the Mormons as one of the causes which gave rise to the Utah Expedition. This will be exemplified in document, No. 33, furnished to the House from the Indian Department.

"INDIAN AGENCY OF THE UPPER PLATTE,
On Raw Hide Creek, July 15, 1857.

"SIR: In a communication addressed to the Indian Office, dated April last, I called the attention of the department to the settlements being made within the boundaries of this agency by the 'Mormon Church,' clearly in violation of law, although the pretext or pretence under which these settlements are made is under the cover of a *contract* of the Mormon Church to carry the mail from Independence, Missouri, to Great Salt Lake City.

"On the 25th May, a large Mormon colony took possession of the valley of Deer Creek, one hundred miles west of Fort Laramie, and drove away a band of Sioux Indians whom I had settled there in April, and had induced them to plant corn.

"I left that Indian band on the 23d May, to attend to matters connected with the Cheyenne band, in the lower part of the agency.

"I have information from a reliable source that these Mormons are about three hundred in number, have plowed and planted two hundred acres of prairie, and are building houses sufficient for the accommodation of five hundred persons, and have a large herd of cattle, horses and mules.

"I am persuaded that the Mormon Church intend, by this plan thus partially developed, to monopolize all of the trade with the Indians and whites within, or passing through, the Indian country.

"I respectfully and earnestly call the attention of the department to this invasion, and enter my protest against this occupation of the Indian country, *in force*, and the forcible ejection of the Indians from the place where I had settled them.

"I am powerless to control this matter, for the Mormons obey no laws enacted by Congress. I would respectfully request that the President will be

pleased to issue such order as, in his wisdom and judgment, may seem best in order to correct the evil complained of.

"Very respectfully, your obedient servant,

THOS. S. TWISS,

*Indian Agent, Upper Platte.*

"*Hon. J. W. Denver,*

*Commissioner of Indian Affairs.*"

The date of the communication referred to, (of April, 1857), is prior to the circular of General Scott, and cotemporary with the letter of Judge Drummond to the Attorney General, which was dated April 2d, 1857, enclosing his resignation dated March 30th, 1857. These three letters quoted—from the contractor, Magraw, Associate Justice Drummond, and Indian Agent Twiss—are the very documents which, both in subject and date, bore most directly upon the "information which gave rise to the military expedition ordered to Utah Territory, * * * throwing light upon the question as to how far said Brigham Young and his followers are in a state of rebellion or resistance to the government of the United States." Moreover, in most of the documents furnished to the House, excepting those from the War Department, of date subsequent to the determination of the Expedition, there is seen not only a marked, and almost serial connection with the three documents in example, but the evidence of a decided conspiracy; that is to say, those documents were concocted both with malice and intent to bring on the "Utah War," by leading the Government astray with false information that "Brigham Young and his followers" were "in a state of rebellion or resistance to the government of the United States." It will be noticeable, that two of the six "Gentiles of Great Salt Lake City," to whom Judge Drummond refers the Attorney General "for proof of the manner in which they have been insulted and abused by leading Mormons for two years past," are Garland Hurt, Indian Agent, and John M. Hockaday, merchant and mail contractor. There was no call for proof from the Chief Justice, John F. Kinney, then in the east, nor from such Gentile merchants as Livingston and Bell, the latter of whom was also the postmaster of Great Salt Lake City, nor from William H. Hooper, who in that period must be considered as a Gentile merchant rather than as a Mormon.

Now, the pertinency of this mail business in the historical exposition of causes which led to the Utah war will appear at the very naming of the fact that Hockaday and Magraw were the former contractors to carry the mail between Independence, Missouri, and Great Salt Lake City.

Notice at this point a remarkable connection of causes suggestive of conspiracy, when laid side by side with subsequent events, and the acts of the principal factors who gave to the Government the information that led to the sending of the Expedition to put down a rebellion, which had no existence in fact or intent, so far as the citizens of Utah were concerned.

In the fall of 1856, Hockaday and Magraw lost the mail contract, which, as noticed, was awarded to Mr. Hiram Kimball, a citizen of Utah. This award was not as any favor from the department, which, there is every reason to believe,

preferred the former contractors, but in compliance with the rule, requiring the lowest responsible bid. The mail service for Utah was now in the hands of the community so vitally concerned in its *success*, rather than in the mere emoluments of the contract; and Governor Young, in the interest of the commerce of the Territory, and of their emigrations, as well as for the quick and reliable postal intercourse with the Eastern States, had already designed the gigantic "B. Y. Express Carrying Company." Doubtless the former contractor, one of whom, Mr. Hockaday, was a resident merchant of Salt Lake City, knew of the conception of such a design of Governor Young, some time before the new contract was awarded, seeing the contract was sought for that very purpose. The great Mormon colonizer and city founder, had already proclaimed his intention of establishing a line of settlements from Great Salt Lake City to Carson Valley, and a line of intercourse east to the Missouri River; and it was quite certain that, on this eastern line, a chain of settlements would spring up out of the Mormon emigrations, as soon as permitted by the Government in its treaties for Indian lands. This example was given by the Mormons in their exodus, when they established "stakes of Zion" on the route to the Mountains—laid the foundations indeed of what have since become our great frontier cities. No sooner did the Indian agent, Thomas S. Twiss, see the establishment of the mail stations, by the "Y. X. Company," than he predicted to the Government, the Mormon control of the trade of the plains, and urged hostilities to prevent this colonization of the eastern line, exaggerating a mail station into a settlement of five hundred, and charging the Mormons with driving off the Indians and unlawfully settling on their lands.

The contractor, W. M. F. Magraw, on the side of his personal interest, seems to have been in full understanding and perfect accord with Indian Agent Twiss; and immediately upon the award of the contract to Mr. Hiram Kimball, upon which was to be based the operation of the "B. Y. Express and Carrying Company," he wrote to the President of the United States, addressing him "as a personal and political friend," to lay before him "some information relative to the present political and social condition of the Territory of Utah," in which "there is left no protection for life or property," but a condition of things, which, (to follow the contractor's words) "will, when published, startle the conservative people of the States, and create a clamor which will not be readily quelled; and I have no doubt that the time is near at hand, and the elements rapidly combining to bring about a state of affairs which will result in indiscriminate bloodshed, robbery and rapine, and which, in a brief space of time will reduce that country to a condition of a howling wilderness."

Very suggestive is this prediction of the contractor Magraw, in view of the fact that it was afterwards nearly fulfilled. It was the prospect of the ensuing two years—a prospect, moreover, which was known in the States, and even in Europe, quite six months before it was known to the people of Utah—which reasonably suggests that it was an anticipation not of prescient sagacity, but of a direct conspiracy to accomplish that foreshadowed in Magraw's letter, presented by Secretary Cass as the first link of the imformation which gave rise to the Utah Expedition. And the prediction is the more striking the closer it is viewed, and

the nearer the altar is approached upon which the sacrifice to be offered up was laid. The Mormon community is the sacrifice seen upon the altar, just as it had been in Missouri and Illinois,—a sacrifice which, when it was revealed in the actual offering to the gaze of the good wife of Governor Cummings, caused that lady to weep, and in anguish to implore her noble-hearted husband to use his influence with the Government to save the devoted people. It was the "country" which the Mormons had changed from "the desert to the fruitful field," and made it "blossom as the rose," that in "a brief space of time" was to be reduced "to a condition of a howling wilderness," which, when General Johnston and his army were brought face to face with the prospect, as they rode through the deserted city of the Great Salt Lake, appalled even those familiar with the desolations of war.

The prediction of this mail contractor, then, has a deep significance in the history, especially when coupled with his statement to the President, to the effect that there was about to be "published" charges against the Mormon community which would "startle the conservative people of the States, and create a clamor which will not be readily quelled." This was fulfilled to the letter, when a few months later Judge Drummond fulminated his monstrous charges, both in California and the Eastern States, and aroused a fury in the nation to "wipe" the Mormon community out.

But there is another part of the narrative to be yet told, relative to the mail service and the contracts in question, that ramifies itself in every branch of the history, from the date of Mr. Magraw's letter to the President, to the time of the repudiation of the Kimball contract by the General Post Office Department, and the arrival of the news in Utah that an army was on the way. The major thread of this subject shall be left to the hereafter review, in the next message of the Governor Young to the Legislature, so ponderous and important is the matter; but a few minor threads is here necessary for the completeness of the historic story.

The failure of the contractor Magraw to bring the last mails, which kept Utah and "the world" so long without news of each other, made it necessary for the postmaster of Great Salt Lake City, to make a special contract to carry the mail east to the terminal point, Independence, Missouri. Feramorz Little was entrusted with the contract, and he and Ephraim K. Hanks left Great Salt Lake City with the mail, December 11, 1856. Beyond the Devil's Gate on the way they met the former contractor's outfit—Mr. Magraw and company. They were bringing their last mail through and picking up their stock. Having tarried so long, however, this contractor and his company failed to come through, in consequence of the deep snows in the mountains, and they returned to the Platte River Bridge and wintered. The important item will by and by appear in Governor Young's message, that the official letter of the award of the new contract to Mr. Hiram Kimball wintered with them, in the pocket of one of the contractor's agents, which circumstance had a sequel not greatly to the honor of the post office department, in its repudiation of Mr. Kimball's contract, on the pretext of the service not being commenced by him in the stipulated time.

Mr. Little with the special mail arrived at Independence, Missouri on the

27th of February, 1857, after a very severe trip. He forthwith proceeded to Washington to collect his money for taking the mail down, which having accomplished, he went to New York. The charges of Judge Drummond were just at that moment published in the Eastern papers, creating a great excitement. The following letter to the public from Mr. Little was called forth in answer:

"MERCHANT'S HOTEL, N. Y., April 15, 1857.

"*Editor Herald.*

"SIR: As myself and Mr. E. K. Hanks are the last persons who have come to the States from Great Salt Lake City, I deem it my duty to bear testimony against the lying scribblers who seem to be doing their utmost to stir up a bad feeling against the Utonians. We left our homes on the 11th of December, brought the last mail to the States, and certainly should know of the state of things there. The charges of Judge Drummond are as false as he is corrupt. Before I left for the States, I was five days every week in Great Salt Lake City, and I witness to all the world that I never heard one word of the burning of nine hundred volumes of law, records, etc., nor anything of that character, nor do I know, or ever heard of anything of the dumb boy story he talks of.

"There is only one house between my house and the Penitentiary, said to contain "five or six young men from Missouri and Iowa," and I do know that up to the day I left, there were only in that place of confinement three Indians, who were convicted at the time of Colonel Steptoe's sojourn there, for having taken part in the massacre of Captain Gunnison and party, which Drummond now charges upon the Mormons, even though Colonel Steptoe and the United States' officers then in Utah investigated the affair thoroughly and secured the conviction of the three Indians alluded to. This is an unblushing falsehood, that none but a man like Drummond could pen.

"The treasonable acts alleged against the Mormons in Utah are false from beginning to end. At Fort Kearney we learned all about the murder of Colonel Babbitt, and do know that that charge against the Mormons is but another of Drummond's creations.

"I have but a short time at my disposal for writing, but must say, that I am astonished to find in the States, rumors againt Utah. We left our homes in peace, dreaming of no evil, and we come here and learn that we are the most corrupt of men, and are preparing for war.

"Yours, etc.,

FERAMORZ LITTLE."

At New York, Mr. Little learned from Mr. James Monroe Livingston, one of the firm of Livingston and Kinkead, of Great Salt Lake City, that the "Y. X." company for carrying the mails had been started, and that he, Mr. Little, was expected to take charge of the returning mails. He immediately hastened to Independence, Missouri, where he found the agents who had come down from the mountains with the Utah mails. There was at Independence a large accumulation of mail matter, amounting to several tons. The men in charge fitted up two or three wagons, and Mr. John R. Murdock, with the latest mail selected, started home on the 1st of May, while Mr. Little remained to get up the June

mail, and on the 1st of June, he started himself with three wagon loads of postal matter.

While at Independence, gathering up the mails, Mr. Little had much intercourse with the numerous contractors at that point, who were waiting the contracts for the Utah Expedition, with which, though not yet announced officially from the War Department, they were well posted in the design. The Mormon mail agent at first could not believe it possible that the Government was about to send an army against Utah for being in a state of rebellion which, he assured them was not the case, while they in turn assured him that such an expedition was projected and certain. What a suggestion of "*the Contractor's war*"!

A short distance from Fort Laramie, Mr. Little met Abraham O. Smoot, Esq., the then Mayor of Great Salt Lake City, in charge of the June mail going east. Of his trip Mayor Smoot furnishes us the following:

"On the 2d of June, 1857, I left Salt Lake City in company with a young man from the Thirteenth Ward, by the name of Ensign, (whose father still resides in that ward), in charge of the last mail going east by the Y. Express.

"We met between Fort Laramie and Kearney, some two or three hundred United States troops, who said they were reconnoitering the country in search of hostile Indians, who at that time were very troublesome on the plains. The officer in command (whose name has gone from me) treated us very kindly, and proposed to furnish us an escort as far east as Fort Kearney, I thanked him for his kind consideration in offering the escort, but told him I feared his escort would not be able to keep up with me, as I proposed to drive about sixty miles a day, until I reached Fort Kearney, and at that speed I thought there would be little, if any, danger of the Indians overtaking us.

"About one hundred miles west of Independence we began to meet heavy freight teams. The captains and teamsters all seemed to be very reticient in relation to giving their destination, and all I was able to learn from them was that they had Government freight, and were bound for some western post, and the trains belonged to William H. Russell.

"In less than two days from that time I reached Kansas City, twelve miles west of Independence, where I met Nicholas Groesbeck who had charge of the Y. X. Company at that end of the route. In company with him we immediately proceeded to the office of William H. Russsell, and there learned that the destination of his freight trains was Salt Lake City, with supplies for Government troops who would soon follow, I also learned from William H. Russell of the appointment of Governor Cumming and other Federal officers that came out with the United States troops that year.

"The next morning Mr. Groesbeck sent the mail into Independence and I remained in Kansas City to learn more of the movements of the Government, if possible.

"The mail we took down was received by the postmaster and he informed the carrier that he had received instructions from the Government to deliver no more mail for Salt Lake City at present.

That denial implied that we had no more use for our stock and mail stations on the route; so, in consultation with Bro. N. Groesbeck and others, we con-

cluded to move our stock and station outfits homeward. Myself and Judson Stoddard were given the responsibility, and two or three other young men (Bro. Ensign being one) were detailed to assist us.

"We moved slowly gathering everything as we went, until we reached South Platte about 120 miles east of Fort Laramie where we met Porter Rockwell with the July mail from Salt Lake City, he proceeded no further east but returned with us to Fort Laramie, 513 miles east of Salt Lake, arriving there on the 17th of July.

"On the 18th Bro. O. P. Rockwell and myself, believing that we had passed all danger of Indian troubles, concluded to leave the stock in the care of Bro. J. Stoddard and others to bring in at their leisure and we would make our way home by the 24th of July, the tenth anniversary of the arrival of the Pioneers in Salt Lake Valley. This arrangement did not meet with the approval of Bro. Stoddard against which he strongly protested but without effect, so he finally accepted the alternative of leaving his stock (some eight or ten which were his personal property) with his trusty hired men and accompany us to the Salt Lake Valley.

"We hitched up two span of our best animals to a small spring wagon and left Fort Laramie on the evening of the 18th of July, and reached Salt Lake City on the evening of the 23rd of July, making the 513 miles in five days and three hours.

Yours respectfully,

A. O. SMOOT.

*Provo City, Utah, February 14th, 1884.*"

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## CHAPTER XVII.

THE PIONEER JUBILEE. CELEBRATION OF THEIR TENTH ANNIVERSARY. ARRIVAL OF MESSENGERS WITH THE NEWS OF THE COMING OF AN INVADING ARMY. THE DAY OF JUBILEE CHANGED TO A DAY OF INDEPENDENCE. CAPTAIN VAN VLIET AND THE MORMON PEOPLE.

The people were celebrating the twenty-fourth of July—the anniversary of the pioneers—in Big Cottonwood Canyon, when the news reached them of the coming of the troops to invade their homes.

They had conquered the desert. Cities were fast springing up in the solitary places, where cities had never been planted before, and in valleys that had once been the bed of the great sea; civilization was spreading.

A plentiful harvest was promised that year, and every circumstance of their situation seemed favorable, except the lack of postal communication with the

East. Their isolation, in this particular, had kept them in ignorance, up to that time, of the movements of the Government concerning them.

On the 22d of July, 1857, numerous teams were seen wending their way, by different routes, to the mouth of Big Cottonwood Canyon, where they halted for the night. Next morning Governor Young led the van of the long line of carriages and wagons, and before noon the cavalcade reached the camp ground at the Cottonwood Lake, which nestles in the bosom of the mountain, 8,000 feet above the level of the sea. Early in the afternoon, the company, numbering 2,687 persons, encamped, and soon all were busy with the arrangements for the morrow. It will be seen, at a glance, that this was intended to be a pioneer's jubilee indeed; not in a city, but in primitive surroundings, suggestive of their entrance into these valleys ten years before.

There were in attendance: Captain Ballo's band, the Nauvoo brass band, the Ogden City brass band, and the Great Salt Lake City and Ogden martial bands; also, of the military, the 1st company of light artillery, under Adjutant-General James Ferguson; a detachment of four platoons of life guards and one platoon of the lancers, under Colonel Burton; and one company of light infantry cadets, under Captain John W. Young. Colonel J. C. Little was marshal of the day.

Early on the following morning the people assembled, and the choir sang:

"On the mountain tops appearing."

Then, after prayers the Stars and Stripes were unfurled on the two highest peaks, in sight of the camp, on two of the tallest trees. At twenty minutes past nine A. M., three rounds from the artillery saluted the First Presidency, and at a quarter past ten three rounds were given for the "Hope of Israel," Captain John W. Young, with his company of light infantry, answered to this last salute, and went through their military evolutions to the admiration of the beholders. This company numbered fifty boys, at about the age of twelve, who had been uniformed by Governor Young.

At noon, Mayor A. O. Smoot, Elder Judson Stoddard, Judge Elias Smith, and O. P. Rockwell, rode into camp, the two former from the "States" (Missouri River), in twenty days. They brought news of the coming of the troops. It was the first tidings of war. Any other people in the world would have been stricken with a terrible fear; but not so these Mormon Saints. The well-known war cry of Cromwell, when he entered into battle, "The Lord of Hosts is with us!" was the undaunted explanation of every heart, and soon it was the burden of every speech.

In a moment the festive song was changed to the theme of war; the jubilee of a people swelled into a sublime declaration of independence. Never before did such a spirit of heroism so suddenly and completely possess an entire community. Men and women shared it alike. The purest and most graphic passage of Stenhouse's "Rocky Mountain Saints" is the description of this eventful day. It it worthy of quotation. He says:

"On the 24th of July, 1857, there were probably gathered at the lake about two thousand persons—men women, and children—in the fullest enjoyment of

social freedom. Some were fishing in the lake, others strolling among the trees, climbing the high peaks, pitching quoits, playing cricket, engaging in gymnastic exercises, pic-nicking, and gliding through the boweries that were prepared for the mazy dance. It was a day of feasting, joy, and amusement for the silver-haired veteran and the tottering child. The welkin rang with the triumphant songs of Zion, and these, accompanied by the sweet melody of many-toned instruments of music, thrilled every bosom with enthusiastic joy. Their exuberance was the pure outgushing of their souls' emotion, and owned no earthly inspiration, for their only beverage was the sparkling nectar of Eden, while their sympathies were united by a sacred and fraternal bond of affectionate love, which for the time rendered them oblivious of the artificial distinctions of social life. The highest and the lowest rejoiced together, rank and authority were set aside; it was a day in which the dreary past could be favorably contrasted with the joyous present, and hearts were made glad in the simple faith that the God of their fathers was their protector, and that they were his peculiar people.

"But before the sun had crimsoned the snowy peaks that surrounded the worshiping, rejoicing Saints, Brigham was in possession of the news, and the people were listening with breathless attention to the most stirring, important address that ever their leader had uttered, for upon his decision depended peace or war.

"Brigham was undaunted. With the inspiration of such surroundings—the grandeur of the Wasatch range of the Rocky Mountains everywhere encircling him, the stately trees whose foliage of a century's growth towered proudly to the heavens, the multitude of people before him who had listened to his counsels as if hearkening to the voice of the Most High—men and women who had followed him from the abodes of civilization to seek shelter in the wilderness from mobs, prattling innocents and youths who knew nothing of the world but Utah, and who looked to him as a father for protection—what could he not say?"

To say that the Mormons were taken with astonishment would be to misstate the case. They had long looked for this issue. They had seen mobs marshaled against them from the beginnimg, but they had also been told by their Prophet Joseph Smith, early in his career, that "Some day they would see the United States come against them in war, and that the Lord should deliver them and bring glory to His name." Nothing more unlikely could have been uttered by this prophet of a few hundred disciples; as likely was it that the stars of heaven should make war upon the earth in impotent wrath. They were not even in a location at that time where this was possible. The very prophecy foreshadowed their removal to the mountains, as though to invite the nation to the issue; and its fulfillment bespoke a destiny in them superior to the destiny even of the United States. The nation was now coming against them, to verify the prophecy in the most literal manner. Hence, doubtless, the extraordinary trust and fortitude of the people, and the self-possession of their leaders. They had no doubt as to the issue, though how God would work out their deliverance they saw not fully.

Everything the Mormons did at that time was done in the most deliberate earnestness. Two messengers were immediately dispatched to England, to call home the American Elders in Europe, and ten thousand British Saints would

have gathered that year, had it been possible, to share the fate of their brethren and sisters in the mountains; but all emigration was, of course now cut off. Never was there so much enthusiasm in the foreign missions as then. One could judge of the sublime enthusiasm at home by that which animated the Saints abroad. Yet they saw a mighty nation moving against the handful in the mountains, and moving with a settled resolve to annihilate the Mormon power at once and forever, leaving no seed on American territory from which that power might re-germinate. The papers of America and Europe teemed with these anticipations. It was broadly suggested that volunteers from every State should pour into Utah, make short work of the Saints, possess their cities, fill their Territory with a gentile population, and take their wives and daughters as spoil, thus breaking up the polygamic institution. For a time there was a prospect of this. Tens of thousands were eager for this thorough work of regeneration for Utah; and, had the Government dared to encourage it, the attempt would have been made. For such a crusade, however, a civilized judgement could have found no excuse, not even on the plea of rebellion. At least, President Buchanan was made to see this much, and to appreciate that he could only use United States regular troops, and these only in the guise of a *posse comitatus* to the new Governor.

The sentiments that actuated the Mormon community at that time were of no doubtful tenor, as may be judged by the following extracts from Brigham's discourses to his people immediately after the receipt of the news.

"Liars have reported that this people have committed treason, and upon their misrepresentations the President has ordered out troops to aid in officering this Territory. If those officers are like many who have previously been sent here—and we have reason to believe that they are, or they would not come where they know they are not wanted—they are poor, broken down political hacks, not fit for the civilized society whence they came, and so they are dragooned upon us for officers. I feel that I won't bear such treatment (and that is enough to say,) for we are just as free as the mountain air. * * * This people are free; they are not in bondage to any Government on God's footstool. We have transgressed no law, neither do we intend so to do; but as for any nation coming to destroy this people, God Almighty being my helper, it shall not be! * * * We have borne enough of their oppression and abuse, and we will not bear any more of it, for there is no just law requiring further forbearance on our part. And I am not going to permit troops here for the protection of the priests and the rabble in their efforts to drive us from the land we possess. The Lord does not want us to be driven, for He has said, 'If you will assert your rights, and keep my commandments, you shall never again be brought into bondage by your enemies' * * * They say that the coming of their army is legal; and I say that it is not; they who say it are morally rotten. Come on with your thousands of illegally-ordered troops, and I promise you in the name of Israel's God, that they shall melt away as the snow before a July sun. * * * You might as well tell me that you can make hell into a powder-house as to tell me that they intend to keep an army here and have peace! * * * I have told you that if this people will live their religion all will be well; and I have told you that if there is any man or woman who is not willing to destroy

everything of their property that would be of use to an enemy if left, I would advise them to leave the Territory. And I again say so to-day; for when the time comes to burn and lay waste our improvements, if any man undertakes to shield his he will be treated as a traitor; for 'judgement will be laid to the line, and righteousness to the plummet.' * * * Now the faint-hearted can go in peace; but should that time come, they must not interfere. Before I will again suffer as I have in times gone by there shall not one building, nor one foot of lumber, nor a fence, nor a tree, nor a particle of grass or hay, that will burn, be left in reach of our enemies. I am sworn, if driven to extremity, to utterly lay waste this land in the name of Israel's God, and our enemies shall find it as barren as when we came here."

It was at such a moment, as the picture suggests, that Capt. Van Vliet arrived in the city of the Saints. The Governor, the Lieut. General, Daniel H. Wells, Adjt. General Furguson, and the Apostles, received him with marked cordiality, but with an open programme. They took him into their gardens. The sisters showed him the paradise that their woman hands would destroy if that invading army came. He was awed by the prospect—his ordinary judgment confounded by such extraordinary examples. To the wife of Albert Carrington, in whose garden he was walking, in conversation with the Governor and his party he exclaimed:

"What, madam! would you consent to see this beautiful home in ashes and this fruitful orchard destroyed?"

"Yes!" answered Sister Carrington, with heroic resolution, "I would not only consent to it, but I would set fire to my home with my own hands, and cut down every tree and root up every plant!"

The following extracts from conversations between Governor Young and Captain Van Vliet, on the 12th and 13th of September, 1857, will be of interest, insomuch as they were had previous to the receipt, in Salt Lake City, of the news of the Mountain Meadow Massacre. Their accuracy may be relied on, as they are transcribed from Apostle Woodruff's private journal, and were originally recorded within a few hours of their occurrence, and are amply verified by many persons then present:

"*President Young.* We do not want to fight the United States, but if they drive us to it, we shall do the best we can; and I will tell you, as the Lord lives, we shall come off conquerers, for we trust in Him. * * * God has set up his kingdom on the earth, and it will never fall. * * * We shall do all we can to avert a collision, but if they drive us to it, God will overthrow them. If they would let us alone and say to the mobs: 'Now you may go and kill the Mormons if you can, but we will have nothing to do with it,' that would be all we would ask of them; but for the Government to array the army against us, is too despicable and damnable a thing for any honorable nation to do, and God will hold them in derision who do it. * * * The United States are sending their armies here to simply hold us still until a mob can come and butcher us, as has been done before. * * * We are the supporters of the constitution of the United States, and we love that constitution

and respect the laws of the United States; but it is by the corrupt administration of those laws that we are made to suffer. If the law had been vindicated in Missouri, it would have sent Governor Boggs to the gallows, along with those who murdered Joseph and Hyrum, and those other fiends who accomplised our expulsion from the States. * * * Most of the Government officers who have been sent here have taken no interest in us, but, on the contrary, have tried many times to destroy us.

"*Capt. Van Vliet* This is the case with most men sent to the Territories. They receive their offices as a political reward, or as a stepping-stone to the Senatorship; but they have no interest in common with the people. * * * This people has been lied about the worst of any people I ever saw. * * The greatest hold that the Government now has upon you is in the accusation that you have burned the United States records.

"*President Young*. I deny that any books of the United States have been burned! All I ask of any man is, that he tell the truth about us, pay his debts and not steal, and then he will be welcome to come or go as he likes. * * If the Government has arrived at that state that it will try to kill this people because of their religion, *no honorable man shoald be afraid of it.* * * * We would like to ward off this blow if we can; but the United States seem determined to drive us into a fight. They will kill us if they can. A mob killed Joseph and Hyrum in jail, notwithstanding the faith of the State was pledged to protect them. * * * I have broken no law, and under the present state of affairs I will not suffer myself to be taken by any United States officer, to be killed as they killed Joseph.

"*Capt. Van Vliet*: I do not think it is the intention of the Government to arrest you, but to install a new governor in the Territory.

"*President Young*: I believe you tell the truth—that you believe this—but you do not know their intentions as well as I do. When you get away from here you will think of a great many things that you have seen and heard: for instance, people have accused us of colleaguing with the Indians against the Government: they were much afraid that Joseph Smith would go among the Indians, and they wanted to keep him away from them; but now they have driven us into their midst. I want you to note the signs of the times; you will see that God will chastise this nation for trying to destroy both the Indians and the Mormons. * * * If the Government persists in sending an army to destroy us, in the name of the Lord we shall conquer them. If they dare to force the issue, I shall not hold the Indians by the wrist any longer, for white men to shoot at them; they shall go ahead and do as they please. If the issue comes, you may tell the Government to stop all emigration across this continent, for the Indians will kill all who attempt it. And if an army suceceds in penetrating this valley, tell the Government to see that it has forage and provisions in store, for they will find here only a charred and barren waste.

"*Capt. Van Vliet:* * * * If our Government pushes this matter to the extent of making war upon you, I will withdraw from the army, for I will not have a hand in shedding the blood of American citizens.

"*President Young:* We shall trust in God. * * * Congress

has promptly sent investigating committees to Kansas and other places, as occasion has required; but upon the merest rumor it has sent 2,000 armed soldiers to destroy the people of Utah, without investigating the subject at all.

"*Capt. Van Vliet.* The Government may yet send an investigating committee to Utah, and consider it good policy, before they get through.

"*President Young.* I believe God has sent you here, and that good will grow out of it. I was glad when I heart you were coming.

"*Capt. Van Vliet.* I am anxious to get back to Washington as soon as I can. I have heard officially that General Harney has been recalled to Kansas to officiate as Governor. I shall stop the train on Ham's Fork on my own responsibility.

"*President Young.* If we can keep the peace for this Winter I do think there will something turn up that may save the shedding of blood."

The reader cannot fail to perceive that the terrible butchery at the Mountain Meadow—was farthest from Brigham Young's *policy* at that time, to say nothing of humanitarian considerations.

But, though Governor Young was aiming for some such consummation as that which came, he neither allowed himself nor his people to retreat a step from their chosen position. Indeed, in their stern fidelity to their cause was their only safety and successful outcome.

Captain Van Vliet thus reported to the commanding general of the army:

HAM'S FORK, September 16, 1857.

"*Captain:* I have the honor to report, for the information of the commanding general, the result of my trip to the Territory of Utah.

"In obedience to special instructions, dated headquarters army for Utah, Fort Leavenworth, July 28, 1857, I left Fort Leavenworth, July 30, and reached Fort Kearny in nine travelling days, Fort Laramie in ten, and Great Salt Lake City in thirty-three and a half. At Fort Kearny I was detained one day by the changes I had to make and by sickness, and at Fort Laramie three days, as all the animals were forty miles from the post, and when brought in all had to be shod before they could take the road. I traveled as rapidly as it is possible to do with six mule wagons. Several of my teams broke down, and at least half of my animals are unserviceable and will remain so until they recruit. During my progress towards Utah I met many people from that Territory, and also several mountain men at Green river, and all informed me that I would not be allowed to enter Utah, and if I did I would run great risk of losing my life. I treated all this, however, as idle talk, but it induced me to leave my wagons and escort at Ham's Fork, 143 miles this side of the city, and proceed alone. I reached Great Salt Lake City without molestation, and immediately upon my arrival I informed Governor Brigham Young that I desired an interview, which he appointed for the next day. On the evening of the day of my arrival Governor Young, with many of the leading men of the city, called upon me at my quarters. The governor received me most cordially and treated me during my stay, which continued some six days, with the greatest hospitality and kindness.

In this interview the governor made known to me his views with regard to the approach of the United States troops, in plain and unmistakeable language.

"He stated that the Mormons had ben persecuted, murdered, and robbed in Missouri and Illinois both by the mob and State authorities, and that now the United States were about to pursue the same course, and that, therefore, he and the people of Utah had determined to resist all persecution at the commencement, and that the *troops now on the march for Utah should not enter the Great Salt Lake valley*. As he uttered these words all those present concurred most heartily in what he said.

"The next day, as agreed upon, I called upon the governor and delivered in person the letter with which I had been entrusted. In that interview, and in several subsequent ones, the same determination to resist to the death the entrance of the troops into the valley was expressed by Governor Young and those about him.

"The governor informed me that there was abundance of everything I required for the troops, such as lumber, forage, etc., but that none would be sold to us. In the course of my conversations with the governor and the influential men in the Territory, I told them plainly and frankly what I conceived would be the result of their present course. I told them that they might prevent the small military force now approaching Utah from getting through the narrow defiles and rugged passes of the mountains this year, but that next season the United States government would send troops sufficient to overcome all opposition. The answer to this was invariably the same: "We are aware that such will be the case; but when those troops arrive they will find Utah a desert. Every house will be burned to the ground, every tree cut down, and every field laid waste. We have three years' provisions on hand, which we will 'cache,' and then take to the mountains and bid defiance to all the powers of the government." I attended their service on Sunday, and, in course of a sermon delivered by Elder Taylor, he referred to the approach of the troops and declared they should not enter the Territory. He then referred to the probability of an overpowering force being sent against them, and desired all present, who would apply the torch to their own buildings, cut down their trees, and lay waste their fields, to hold up their hands. Every hand, in an audience numbering over 4,000 persons, was raised at the same moment. During my stay in the city I visited several families, and all with whom I was thrown looked upon the present movement of the troops towards their Territory as the commencement of another religious persecution, and expressed a fixed determination to sustain Governor Young in any measures he might adopt. From all these facts I am forced to the conclusion that Governor Young and the people of Utah will prevent, if possible, the army for Utah from entering their Territory this season. This, in my opinion, will not be a difficult task, owing to the lateness of the season, the smallness of our force, and the defences that nature has thrown around the valley of the Great Salt Lake.

"There is but one road running into the valley on the side which our troops are approaching, and for over fifty miles it passes through narrow canyons and over rugged mountains, which a small force could hold against great odds. I am

inclined however, to believe that the Mormons will not resort to actual hostilities until the last moment. Their plan of operations will be, burn the grass, cut up the roads, and stampede the animals, so as to delay the troops until the snow commences to fall, which will render the road impassable. Snow falls early in this region, in fact last night it commenced falling at Fort Bridger, and this morning the surrounding mountains are clothed in white. Were it one month earlier in the season I believe the troops could force their way in, and they may be able to do so even now; but the attempt will be fraught with considerable danger, arising from the filling up of the canyons and passes with snow. I do not wish it to be considered that I am advocating either the one course or the other. I simply wish to lay the facts before the general, leaving it to his better judgment to decide upon the proper movements. Notwithstanding my inability to make the purchases I was ordered to, and all that Governor Young said in regard to opposing the entrance of the troops into the valley I examined the country in the vicinity of the city, with the view of selecting a proper military site. I visited the military reserve, Rush Valley, but found it, in my opinion, entirely unsuitable for a military station. It contains but little grass, and is very much exposed to the cold winds of winter; its only advantage being the close proximity of fine wood. It is too far from the city, being between thirty-five and forty miles, and will require teams four days to go there and return.

I examined another point on the road to Rush Valley, and only about thirty miles from the city, which I consider a much more eligible position. It is in Tuelle Valley three miles to the north of Tuelle city, and possesses wood, water, and grass; but it is occupied by the Mormons, who have some sixty acres under cultivation, with houses and barns on their land. These persons would have to be dispossessed or bought out. In fact there is no place within forty, fifty or sixty miles of the city suitable for a military position, that is not occupied by the inhabitants and under cultivation. On my return I examined the vicinity of Fort Bridger, and found it a very suitable position for wintering the troops and grazing the animals, should it be necessary to stop at that point. The Mormons occupy the fort at present, and also have a settlement about ten miles further up Black's Fork, called Fort Supply. These two places contain buildings sufficient to cover nearly half the troops now en route for Utah; but I was informed that they would all be laid in ashes as the army advances. I have thus stated fully the result of my visit to Utah, and trusting that my conduct will meet the approval of the commanding general, I am, very respectfully, your obedient servant,

STEWART VAN VLIET,
*Captain A. Q. M.*

"*Captain Pleasanton,*
*A. A. Adj't Gen. Army for Utah, Fort Leavenworth.*

"P. S.—I shall start on my return to-morrow, with an escort of ten men."

## CHAPTER XVIII.

GOVERNOR YOUNG PLACES THE TERRITORY UNDER MARTIAL LAW. THE MILITIA ORDERED OUT. THE SEAT OF WAR. CORRESPONDENCE BETWEEN GOVERNOR YOUNG AND COLONEL ALEXANDER. BURNING THE GOVERNMENT TRAINS. LOT SMITH'S STORY. CONGRESS DECLARES UTAH IN A STATE OF REBELLION.

The next day after the departure of Van Vliet, the Governor issued the following proclamation, placing the Territory under martial law:

"*Citizens of Utah:*—We are invaded by a hostile force, who are evidently assailing us to accomplish our overthrow and destruction.

"For the last twenty-five years we have trusted officials of the Government, from constables and justices to judges, governors and presidents, only to be scorned, held in derision, insulted and betrayed. Our houses have been plundered and then burned, our fields laid waste, our principal men butchered while under the pledged faith of the Government for their safety, and our families driven from their homes to find that shelter in the barren wilderness, and that protection among hostile savages which were denied them in the boasted abodes of Christianity and civilization.

"The constitution of our common country guarantees to us all that we do now, or have ever, claimed.

"If the consitutional rights which pertain to us as American citizens were extended to Utah according to the spirit and meaning thereof, and fairly and impartially administered, it is all that we could ask—all that we ever asked.

"Our opponents have availed themselves of prejudices existing against us because of our religious faith, to send out a formidable host to accomplish our destruction. We have had no privilege, no opportunity of defending ourselves from the false, foul and unjust aspersions against us, before the nation.

"The Government has not condescended to cause an investigating committee or other persons to be sent to enquire into and ascertain the truth, as is customary in such cases.

"We know those aspersions to be false, but that avails us nothing. We are condemned unheard, and forced to an issue with an armed mercenary mob, which has been sent against us at the instigation of anonymous letter-writers, ashamed to father the base, slanderous falsehoods which they have given to the public; of corrupt officials who have brought false accusations against us to screen themselves in their own infamy; and of hireling priests and howling editors, who prostitute the truth for filthy lucre's sake.

"The issue which has been thus forced upon us compels us to resort to the great first law of self-preservation, and stand in our own defence, a right guaranteed to us by the genius and institutions of our country, and upon which the

government is based. Our duty to ourselves, to our families, requires us not to tamely submit to be driven and slain, without an attempt to preserve ourselves; our duty to our country, our holy religion, our God, to freedom and liberty, requires that we should not quietly stand still, and see those fetters forging around us which are calculated to enslave, and bring us in subjection to an unlawful military despotism, such as can only emanate in a country of constitutional law, from usurpation, tyranny and oppression.

"Therefore, I, Brigham Young, governor and superintendent of Indian affairs for the Territory of Utah, in the name of the people of the United States, in the Territory of Utah, forbid:

"First. All armed forces of every description from coming into this Territory, under any pretence whatever.

"Second. That all the forces in said Territory hold themselves in readiness to march at a moment's notice to repel any and all such invasion.

"Third. Martial law is hereby declared to exist in this Territory from and after the publication of this proclamation, and no person shall be allowed to pass or repass into or through or from this Territory without a permit from the proper officer.

"Given under my hand and seal, at Great Salt City, Territory of Utah, this fifteenth day of September, A. D. eighteen hundred and fifty-seven, and of the independence of the United States of America the eighty-second.

BRIGHAM YOUNG."

While Captain Van Vliet was listening to the discourses of the Mormon leaders and witnessing the heroic demonstrations of the people of Great Salt Lake City the militia of the Territory was everywhere preparing for active service. Six weeks before the proclamation of martial law the following evtraordinary despatch was issued to the district commanding officers:

HEADQUARTERS NAUVOO LEGION,
Adjt. General's Office, G. S. L. City, Aug. 1, 1857.

"Sir: Reports, tolerably well authenticated, have reached this office that an army from the Eastern States is now *en route* to invade this Territory.

"The people of this Territory have lived in strict obedience to the laws of the parent and home governments, and are ever zealous for the supremacy of the Constitution and the rights guaranteed thereby. In such time, when anarchy takes the place of orderly government and mobocratic tyranny usurps the power of rulers, they have left the inalienable right to defend themselves against all aggression upon their constitutional privileges. It is enough that for successive years they have witnessed the desolation of their homes; the barbarous wrath of mobs poured upon their unoffending brethren and sisters; their leaders arrested, incarcerated and slain, and themselves driven to cull life from the hospitality of the desert and the savage. They are not willing to endure longer these unceasing outrages; but if an exterminating war be purposed against them and blood alone can cleanse pollution from the Nation's bulwarks, to the God of our fathers let the appeal be made.

"You are instructed to hold your commend in readiness to march at the shortest possible notice to any part of the Territory. See that the law is strictly enforced in regard to arms and amunition, and as far as practicable that each Ten be provided with a good wagon and four horses or mules, as well as the necessary clothing, etc., for a winter campaign. Particularly let your influence be used for the preservation of the grain. Avoid all excitement, but be ready.

"DANIEL H. WELLS.

*Lieutenant General Commanding.*

"*By James Ferguson, Adjutant General.*"

Copies of this letter were sent to the following: Colonel W. H. Dame, Parowan; Major L. W. McCullough, Fillmore; Major C. W. Bradley, Nephi; Major Warren S. Snow, Sanpete; General Aaron Johnson, Peteetneet; Colonel William B. Pace, Provo; Major Samuel Smith, Box Elder; Colonel C. W. West, Weber; Colonel P. C. Merrill, Davis; Major David Evans, Lehi; Major Allen Weeks, Cedar; Major John Rowberry, Tooele.

Within a few days these instructions reached the various districts and were quietly acted upon. There was a universal cleaning of arms, filling up of cartridge boxes, and attention given to the equipment of horses, teams and camping outfits.

The Nauvoo Legion (the territorial militia), consisted at this time of all able bodied men between the ages of eighteen and forty-five, and was organized into military districts. The general officers of the Legion detailed for the campaign were: Daniel H. Wells, Lieut. General, commanding; Generals Geo. D. Grant, Wm. H. Kimball, James Ferguson, H. B. Clawson; Colonels R. T. Burton, N. V. Jones, James Cummings, C. W. West, Thos. Callister, John Sharp, W. B. Pace, Lot Smith, Warren Snow, Jos. A. Young, A. P. Rockwood; J. L. Dunyon, Surgeon; Majors H. W. Lawrence, J. M. Barlow, Israel Ivins, R. J. Golding, J. R. Winder, J. D. T. McAllister. Besides these officers, scouts and rangers were detailed to perform special duties. Among these were O. P. Rockwell, Ephraim Hanks and many others. The nature of the campaign was such that individuals were selected for certain service without regard to their official station; thus officers of the highest rank were found performing the duties of company captains, or sharing the labors of men of the line.

On the thirteenth of August orders was issued for the first movement of the forces. It was directed to Col. Robert T. Burton, instructing him to take the field with one hundred and sixty men from the first regiment. He, however, started on the fifteenth with but seventy men from the Life Guards. Among the officers accompanying this expedition were Col. James Cummings, of the general staff, Maj. J. M. Barlow, quartermaster and commissary, Maj. H. W. Lawrence, Capt. H. P. Kimball, Lieuts. J. Q. Knowlton and C. F. Decker. They were afterwards joined by a company from Provo, commanded by Capt. Joshua Clark. The instructions given Col. Burton were to march to the east on the main traveled road, afforing aid and protection to the incoming trains of immigrants, and to act as a corps of observation to learn the strength and equipments of forces reported on the way to Utah, and report to headquarters; but not to interfere

with life or property of any one they might encounter on the road. Speaking of this trip, Gen. Burton says:

"We arrived at Fort Bridger August 21st, and met the first company of immigrants at Pacific Springs on the 26th. On the following day we met Moody's company from Texas, also several large supply trains, entirely unprotected by any escort. On the 29th I left my wagons and half of the men and animals on the Sweetwater, proceeding with pack animals. On the 30th I arrived at Devil's Gate, with Kimball, Cummings and Decker's command coming up the next day; here on the 31st we met Jones, Stringham, and others, on their way from Deer Creek to Salt Lake City, and on the day after Captain John R. Murdock from the States. The latter brought word of the intense bitterness expressed all over the Union against the Mormons, and of the expectations that many entertained that the people of Utah were about to be annihilated by the strong arm of the military power."

These companies proceeded immediately on their way to the city, while Col. Burton and command were engaged cacheing provisions for future use. On September 8th, he sent an express to the Platte; which returned on the 12th. From this time the expedition returned slowly towards the city, thoroughly examining the country and posting themselves upon all points likely to be of advantage later in the campaign. They also kept a good lookout on the scouting and other military movements, forwarding by express all information of interest to General Wells and Governor Young. On the 17th they received an express from Salt Lake, by J. M. Simmons and O. Spencer, and from this date men were kept in the saddle night and day between the front and headquarters. September 16th, N. V. Jones and Stephen Taylor brought an express from the city, and on the 21st Colonel Burton took three men, H. W. Lawrence, H. P. Kimball, and John Smith, and again moved east to the vicinity of Devil's Gate, and camped. September 22d. within half a mile of Colonel E. B. Alexander's command. Here they first met the advance of the Utah army, and from that time were its immediate neighbors until it arrived at Ham's Fork.

On September 29th, Lieut. Gen. D. H. Wells left Salt Lake City and proceeded to establish headqnarters in the narrows of Echo Canyon. He was accompanied by Adjt. Gen. James Ferguson, Col. N. V. Jones, Maj. Lot Smith, and other staff officers Companies of militia from the several military districts, aggregating about 1,250 men were ordered to report at Echo, with provisions for thirty days.

At Echo, Gen. Wells divided his staff, leaving Col. N. V. Jones and J. D. T. McAllister in command of the force there. These engaged in digging trenches across the canyon, throwing up breast works, loosening stones on the heights, and in every way preparing to resist the progress of any body of men that might attempt to pass through the canyon.

The day after reaching Echo, Gen. Wells, with a small escort, proceeded to Fort Bridger, where he met Col. Burton and Gen. Robison, and was informed of all movements that had been made by the troops, of the location of their supply trains, their strength, probability of reinforcements, etc.

From this information it was ascertained that for several days previously the

army had been making very rapid forced marches, to overtake and protect their supplies on Ham's Fork, which had been forwarded several weeks before. It was apprehended, as they had been successful in securing these advance supply trains so near the mountain passes, that the troops would shoulder rations for three days an attempt to force their way on to the city.

In view of this a Mormon writer on the "Echo Canyon War" thus explains the situation:

"The activity of the enemy required the utmost vigilance and some decisive action on the part or our forces to delay any such movement. It was the policy to 'fight this war without bloodshed.' How to do it successfully was the question. It was a difficult one to solve while the weather remained fair, the advancing troops well supplied with food and ammunition, and eager to try their strength with their Mormon foes. Yet it was extremely necessary that the advance should be checked and the power of the people of Utah to defend themselves felt."

Just at this point the extraordinary correspondence commences between Governor Young and the commanding officers of the U. S. Expedition, as presented to Congress by President Buchanan, opening with the following to Col. Alexander:

FORT BRIDGER,
September 30, 1857.

"SIR: I have the honor to forward you the accompaning letter from His Excellency Governor Young, together with two copies of his proclamation and a copy of the laws of Utah, 1856-'57, containing the organic act of the Territory.

"It may be proper to add that I am here to aid in carrying out the instructions of Governor Young.

"General Robison will deliver these papers to you, and receive such communication as you may wish to make.

"Trusting that your answer and actions will be dedicated by a proper respect for the rights and liberties of American citizens.

"I remain, very respectfully, etc.,
"DANIEL H. WELLS,
"*Lieutenant General Commanding, Nauvoo Legion.*"

GOVERNOR'S OFFICE, UTAH TERRITORY,
Great Salt Lake City, September 29, 1857.

"SIR: By reference to the act of Congress passed September 9, 1850, organizing the Territory of Utah, published in the Laws of Utah, herewith forwarded, pp. 146-7, you will find the following:

"'SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Utah shall be vested in a governor, who shall hold his office for four years, *and until his successor shall be appointed and qualified*, unless sooner removed by the President of the United States. The governor shall reside within said Territory, shall be commander-in-chief of the militia thereof,' etc., etc.

"I am still the governor and superintendent of Indian affairs for this Territory, no successor having been appointed and qualified, as provided by law; nor have I been removed by the President of the United States.

"By virtue of the authority thus vested in me, I have issued, and forwarded you a copy of, my proclamation forbidding the entrance of armed forces into this Territory. This you have disregarded. I now further direct that you retire forthwith from the Territory, by the same route you entered. Should you deem this impracticable, and prefer to remain until spring in the vicinity of your present encampment, Black's Fork, or Green River, you can do so in peace and unmolested, on condition that you deposit your arms and amunition with Lewis Robison, quartermaster general of the Territory, and leave in the spring, as soon as the condition of the roads will permit you to march; and should you fall short of provisions, they can be furnished you, upon making the proper applicatoins therefor. General D. H. Wells will forward this, and receive any communication you may have to make.

"Very respectfully,

BRIGHAM YOUNG

"*Governor and Superintendent of Indian Affairs, Utah Territory.*

"*The Officer Commanding the forces now invading Utah Territory*"

HEADQUARTERS 10TH REGIMENT OF INFANTRY,

Camp Winfield, on Ham's Fork, October 2, 1857.

"SIR: I have the honor to acknowledge the receipt of your communication of September 29, 1857; with two copies of Proclamation and one of "Laws of Utah," and have given it an attentive consideration.

"I am at present the senior and commanding officer of the troops of the United States at this point, and I will submit your letter to the general commanding as soon as he arrives here.

"In the meantime I have only to say that these troops are here by the orders of the President of the United States, and their future movements will depend entirely upon the orders issued by competent military authority.

I am, sir, very respectfully, etc.,

"E. B. ALEXANDER,

"*Col. 10th U. S. Infantry, commanding.*

"*Brigham Young, Esq.,*

"*Governor of Utah Territory.*"

HEADQUARTERS 10TH INFANTRY, October 2, 1857.

"Official.

HENRY E. MAYNADIER,

*Adjutant 10th Infantry.*"

General Robison and Major Lot Smith were despatched with these documents, instructed to deliver them personally or send them by a Mexican if it should be dangerous to enter Col. Alexander's camp; the latter course was adopted. On the return of Major Lot Smith with the answer of Col. Alexander to Governor Young, General Wells resolved on the immediate execution of his programme of the campaign.

The plan of the campaign had been thoroughly digested by Brigham Young, as commander-in-chief of the Utah militia, and his Lieutenant General, before the latter left Great Salt Lake City for "the seat of war;" and with General Wells, Apostles John Taylor and George A. Smith had gone out to Echo Canyon, undoubtedly to give their voice in the councils of war. Therefore, there was no need for General Wells to seek further consultation with his chief previous to the excution of the plan, which was substantially that embodied in the order, found upon the person of major Joseph Taylor when he was captured:

HEADQUARTERS EASTERN EXPEDITION,
Camp near Cache Cave, Oct. 4, 1857.

"You will proceed, with all possible despatch, without injuring your animals, to the Oregon road, near the bend of Bear river, north by east of this place. Take close and correct observations of the country on your route. When you approach the road, send scouts ahead, to ascertain if the invading troops have passed that way. Should they have passed, take a concealed route, and get ahead of them. Express to Colonel Burton, who is now on that road and in the vicinity of the troops, and effect a junction with him, so as to operate in concert. On ascertaining the locality or route of the troops, proceed at once to annoy them in every posssble way. Use every exertion to stanpede ther animals and set fire to their trains. Burn the whole country before them, and on their flanks. Keep them from sleeping by night surprises; blockade the road by felling trees or destroying the river fords where you can. Watch for opportunities to set fire to the grass on their windward, so as if possible to envelope their trains. Leave no grass before them that can be burned. Keep your men concealed as much as possible, and guard against surprise. Keep scouts out at all times, and communications open with Colonel Burton, Major McAllister and O. P. Rockwell, who are operating in the same way. Keep me advised daily of your movements, and every step the troops take, and in which direction.

"God bless you, and give you success.

"Your brother in Christ.

DANIEL H. WELLS.

"P. S.—If the troops have not passed, or have turned in this direction, follow in their rear, and continue to annoy them, burning any trains they may leave. Take no life, but destroy their trains, and stampede or drive away their animals, at every opportunity.

D. H. WELLS.

"*Major Joseph Taylor.*

"HEADQUARTERS ARMY OF UTAH,
Black's Fork, 16 miles from Fort Bridger,
En route to Salt Lake City, November 7, 1857.

"A true copy of instructions in the possession of Major Joseph Taylor, when captured.

"F. J. PORTER,
*Assistant Adjutant General.*"

After delivering the despatch of Col. Alexander, Major Lot Smith was invited to take dinner with his commanding-general and his aides. Among all the warriors of the Mormon Israel there was, perhaps not one so fitted to open this very peculiar campaign as Lot Smith. His lion-like courage and absolute fearlessness of personal danger, when most in its presence, marked him out as the man of men to execute an exploit of such daring as that designed—to astonish the American nation into a realization of the Mormon earnestness, yet at the same time to do it without the shedding of a drop of "the enemy's" blood.

"During the meal," says Maj. Lot Smith, in his piquent narrative of one of the most daring guerilla exploits on record, "General Wells, looking at me as straight as possible, asked if I could take a few men and turn back the trains that were on the road or *burn* them? I replied that I thought that I could do just what he told me to. The answer appeared to please him, and he accepted it, telling me he could furnish only a few men, but they would be sufficient, for they would appear many more to our enemies."

At 4 o'clock in the evening of October 3d, Major Lot Smith's troop, numbering forty-four men rank and file, started on their expedition. They rode all night and early the next morning came in sight of an ox train headed westward. On calling for the captain, Maj. Smith ordered him to turn his train and go the other way till he reached the States. The Captain "swore pretty strongly," faced about and started to go east, but as soon as out of sight he would turn again towards the mountains. The troops met him that day and took out his lading, leaving the wagons and teams standing. Lot Smith camped near these troops on that night on the banks of the Green River. His story continues:

"Losing the opportunity to make much impression on Rankin's train, I thought something must be done speedily to carry out the instructions received, so I sent Captain Haight with twenty men to see if he could get the mules of the Tenth Regiment on any terms. With the remaining twenty-three men I started for Sandy Fork to intercept trains that might be approaching in that direction. On the road, seeing a large cloud of dust at a distance up the river, on the old Mormon road, I sent scouts to see what caused it. They returned, overtaking me at Sandy, and reported a train of twenty-six large freight wagons. We took supper and started at dark. After traveling fourteen miles, we came up to the train, but discovered that the teamsters were drunk, and knowing that drunken men were easily excited and always ready to fight, and remembering my positive orders not to hurt anyone except in self-defence, we remained in ambush until after mid-night. I then sent scouts to thoroughly examine the appearance of their camp, to note the number of wagons and men and report all they discovered. When they returned and reported twenty-six wagons in two lines a short distance apart, I concluded that counting one teamster to each wagon and throwing in eight or ten extra men would make their force about forty. I thought we would be a match for them, and so ordered an advance to their camp.

"On nearing the wagons, I found I had misunderstood the scouts, for instead of one train of twenty-six wagons there were two, doubling the number of

men, and putting quite another phase on our relative strength and situation. There was a large camp-fire burning, and a number of men were standing around it smoking. It was expected by my men that on finding out the real number of wagons and men, I would not go farther than to make some inquiries and passing our sortie upon the trains as a joke would go on until some more favorable time. But it seemed to me that it was no time for joking. I arranged my men, and we advanced until our horses' heads came into the light of the fire; then I discovered that we had the advantage, for looking back into the darkness, I could not see where my line of troops ended, and could imagine my twenty followers stringing out to a hundred or more as well as not. I inquired for the captain of the train. Mr. Dawson stepped out and said he was the man. I told him that I had a little business with him. He inquired the nature of it, and I replied by requesting him to get all of his men and their private property as quickly as possible out of the wagons for I meant to put a little fire into them. He exclaimed: 'For God's sake, don't burn the trains.' I said it was for His sake that I was going to burn them, and pointed out a place for his men to stack their arms, and another where they were to stand in a group, placing a guard over both. I then sent a scout down towards Little Mountaineer Fork, failing to put one out towards Ham's Fork on the army. While I was busy with the train a messenger from the latter surprised us by coming into camp. I asked him if he had dispatches and to hand them to me. He said he had but they were verbal. I told him if he lied to me his life was not worth a straw. He became terrified, in fact I never saw a man more freightened. He said afterwards that he expected every moment to be killed. His orders to the train men were from the commander at Camp Winfield, and were to the effect that the Mormons were in the field and that they must not go to sleep but keep night guard on their trains, and that four companies of cavalry and two pieces of artillery would come over in the morning to escort them to camp."

After thus dealing with the first train, the other was treated in like manner. The closing of Lot Smith's story gives a striking dramatic denouement.

"When all was ready, I made a torch, instructing my Gentile follower, known as Big James, to do the same, as I thought it was proper for the 'Gentiles to spoil the Gentiles.' At this stage of our proceedings an Indian came from the Mountaineer Fork and seeing how the thing was going asked for some presents. He wanted two wagon covers for a lodge, some flour and soap. I filled his order and he went away much elated. Out of respect to the candor poor Dawson had showed, I released him from going with me when we fired the trains, taking Big James instead, he not being afraid of saltpetre or sulphur either.

"While riding from wagon to wagon, with torch in hand and the wind blowing, the covers seemed to me to catch very slowly. I so stated it to James. He replied, swinging his long torch over his head: 'By St. Patrick, ain't it beautiful! I never saw anything go better in all my life.' About this time I had Dawson send in his men to the wagons, not yet fired, to get us some provisions, enough to thoroughly furnish us, telling him to get plenty of sugar and coffee, for though I never used the latter myself, some of my men below, intimating that I had a force down there, were fond of it. On completing this task I told him that we

were going just a little way off, and that if he or his men molested the trains or undertook to put the fire out, they would be instantly killed. We rode away leaving the wagons all ablaze."

The burning of the Government trains accomplished the very purpose designed. The nation was thrown into a fearful state of excitement over the daring deed, and at the issue of Governor Young's Proclamation. Congress passed a resolution declaring Utah in a state of rebellion, and referred a motion to the committee on Territories to expel the Utah Delegate. Burning the supplies of an army of the United States, sent by the Government to put down an incipient rebellion, was declared to be an extraordinary overt act of actual war, while the proclamation of Governor Young was considered as a veritable declaration of war as from an independent power. A terrible wrath was aroused against Mormon Utah. At that moment, had the season been favorable, and the Government made the call, a hundred thousand volunteers would have quickly mustered into service to annihilate the whole Mormon community. Yet, be it repeated, the very purpose had been accomplished which Brigham Young designed. It was a most dramatic illustration of his words to Captain Van Vliet, "We are aware that such will be the case; but when those troops arrive they will find Utah a desert. Every house will be burned to the ground, every tree cut down and every field left waste. We have three years' provisions on hand, which we will 'cache,' and then take to the mountains and bid defiance to all the powers of the government." The nation could now believe that this was not mere bravado or bombast of Brigham Young, nor the insane rage of fanatics, but the extraordinary resolve of a Puritanic people, such as those who fought "in the name of the Lord" for the commonwealth of England and founded the American nation. And though Colonel C. F. Smith of the Expedition wrote to headquarters: "As the threats of their leaders to Captain Van Vliet, coupled with the burning of our supply trains—in itself an act of war—is evidence of their treason, I shall regard them as enemies, and *fire* upon the scoundrels if they give me the least opportunity;" yet from that moment President Buchanan saw cause for pause. *Brigham Young would keep his word!* Strange as it may seem his Proclamation, and the order of Lieutenant General Wells, followed so quickly by the burning of the supply trains, ultimately brought the Peace Commission, and the Proclamation of pardon to the entire Mormon people.

## CHAPTER XIX.

CORRESPONDENCE BETWEEN GOVERNOR YOUNG AND COLONEL ALEXANDER. UNFLINCHING ATTITUDE OF BOTH SIDES. EXCHANGE OF COURTESIES. THE GOVERNOR INVITES A PEACEFUL VISIT OF THE OFFICERS TO THE CITY. A REMARKABLE LETTER FROM APOSTLE JOHN TAYLOR TO CAPTAIN MARCY.

"GREAT SALT LAKE CITY, U. T, October 14, 1857.

"COLONEL: In consideration of our relative positions—you acting in your capacity as commander of the United States forces, and in obedience, as you have stated, to orders from the President of the United States, and I as governor of this Territory, impelled by every sense of justice, honor, integrity and patriotism to resist what I consider to be a direct infringement of the rights of the citizens of Utah, and an act of usurpation and tyranny unprecedented in the history of the United States—permit me to address you frankly as a citizen of the United States, untrammelled by the usages of official dignity or military etiquette.

"As citizens of the United States, we both, it is presumable, feel strongly attached to the Constitution and institu tions of our common country; and, as gentlemen, should probably agree in sustaining the dear bought liberties bequeathed by our fathers—the position in which we are individually placed being the only apparent cause of our present antagonism; you, as colonel commanding, feeling that you have a rigid duty to perform in obedience to orders, and I, a still more important duty to the people of this Territory.

"I need not here reiterate what I have already mentioned in my official proclamation, and what I and the people of this Territory universally believe firmly to be the object of the administration in the present expedition against Utah, viz: the destruction, if not the entire annihilation of the Mormon community, solely upon religious grounds, and without any pretext whatever; for the administration do know, from the most reliable sources, that the base reports circulated by Drummond, and others of their mean officials, are barefaced calumnies. They do, moreover, know that the people of Utah have been more peaceable and law abiding than those of any other Territory of the United States, and have never resisted even the wish of the President of the United States, nor treated with indignity a single individual coming to the Territory under his authority although the conduct and deportment of many of them have merited, and in any other State or Territory would have met with summary punishment. But when the President of the United States so far degrades his high position, and prostitutes the highest gift of the people as to make use of the military power (only intended for the protection of the people's rights) to crush the people's liberties, and compel them to receive officials so lost to self respect as to accept

appointments against the known and expressed wish of the people, and so craven and degraded as to need an army to protect them in their position, we feel that we should be recreant to every principle of self-respect, honor, integrity, and patriotism, to bow tamely to such high-handed tyranny, a parallel for which is only found in the attempts of the British government, in its most corrupt stages, against the rights, liberties and lives of our forefathers.

"Now, Colonel, I do not charge you, nor those serving under you, with the instigation of these enormities. I consider that you are only the agent made use of by the administration, probably unwillingly so, to further their infamous designs. What high-minded gentleman can feel comfortable in being the mere catspaw of political jugglers and hucksters, penny-a-liners, hungry speculators and disgraced officials? Yet it is from the statements of such characters only that the adminstration has acted, attaching the official seal to your movements. Now, I feel that, when such treason is perpetrated, unblushingly, in open daylight, against the liberties and most sacred rights of the citizens of this Territory, it is my duty, and the duty of every lover of his country and her sacred institutions, to resist it, and maintain inviolate the constitution of our common country.

"Perhaps, colonel, you may feel otherwise; education and associations have their influences; but I have yet to learn that United States officers are implicitly bound to obey the dictum of a despotic President, in violating the most sacred constitutional rights of American citizens.

"We have sought diligently for peace. We have sacrificed millions of dollars worth of property to obtain it, and wandered a thousand miles from the confines of civilization, severing ourselves from home, the society of friends, and everything that makes life worth enjoyment. If we have war, it is not of our seeking; we have never gone nor sought to interfere with the rights of others, but they have come and sent to interfere with us. We had hoped that, in this barren and desolate country, we could have remained unmolested; but it would seem that our implacable, blood-thirsty foes envy us even these barren deserts. Now, if our real enemies, the mobocrats, priests, editors and politicians, at whose instigation the present storm has been gathered, had come against us, instead of you and your command, I should never have addressed them thus. They never would have been allowed to reach the South Pass. In you we recognize only the agents and instruments of the administration, and with you, personally, have no quarrel. I believe it would have been more consonant with your feelings to have made war upon the enemies of your country than upon American citizens. But to us the end to be accomplished is the same, and while I appreciate the unpleasantness of your position, you must be aware that circumstances compel the people of Utah to look upon you, in your present belligerent attitude, as their enemies and the enemies of our common country, and notwithstanding my most sincere desires to promote amicable relations with you, I shall feel it my duty, as do the people of the Territory universally, to resist to the utmost every attempt to encroach further upon their rights.

"It, therefore, becomes a matter for your serious consideration, whether it would not be more in accordance with the spirit and institutions of our country to return with your present force rather than force an issue so unpleasant to all,

and which must result in great misery and, perhaps, bloodshed and, if persisted in, the total destruction of your army. And, furthermore, does it not become a question whether it is more patriotic for officers of the United States army to ward off, by all honorable means, a collision with American citizens or to further the precipitate move of an indiscreet and rash administration, in plunging a whole Territory into a horrible, fratricidal and sanguinary war.

"Trusting that the foregoing considerations may be duly weighed by you, and that the difficulties now impending may be brought to an amicable adjustment, with sentiments of esteem,

I have the honor to remain most respectfully etc.,

BRIGHAM YOUNG."

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"HEADQUARTERS ARMY FOR UTAH.

Camp on Ham's Fork, October 12, 1857.

"SIR: Yesterday two young men, named Hickman, were arrested by the rear guard of the army, and are now held in confinement. They brought a letter from W. A. Hickman to Mr. Perry, a sutler of one of the regiments, but came under none of the privileges of bearers, of despatches, and are, perhaps, liable to be considered and treated as spies. But I am convinced, from conversation with them, that their conduct does not merit the serious punishment awarded to persons of that character, and I have accordingly resolved to release the younger one, especially in consideration of his having a wife and three children, dependent upon him, and to make him the bearer of this letter. The elder I shall keep until I know how this communication is received, and until I receive an answer to it, reserving, even then, the right to hold him a prisoner, if, in my judgment, circumstances require it. I need hardly assure you that his life will be protracted, and that he will receive every comfort and indulgence proper to be afforded him.

"I desire now, sir, to set before you the following facts: the forces under my command are ordered by the President of the United States, to establish a military post at or near Salt Lake City. They set out on their long and arduous march, anticipating a reception similar to that which they would receive in any other State or Territory in the Union. They were met at the boundary of the Territory of which you are the Governor, and in which capacity alone I have any business with you, by a proclamation issued by yourself, forbidding them to come upon soil belonging to the United States, and calling upon the inhabitants to resist them with arms. You have ordered them to return, and have called upon them to give up their arms in default of obeying your mandate. You have resorted to open hostilities, and of a kind, permit me to say, far beneath the usages of civilized warfare, and only resorted to by those who are conscious of inability to resist by more honorable means, by authorizing persons under your control, some of the very citizens, doubtless, whom you have called to arms, to burn the grass apparently with the intention of starving a few beasts, and hoping that men would starve after them. Citizens of Utah, acting, I am bound to believe, under

your authority, have destroyed trains containing public stores, with a similar humane purpose of starving the army. I infer also from your communications received day before yesterday, referring to "a dearth of news from the east and from home," that you have caused public and private letters to be diverted from their proper destination, and this, too, when carried by a public messenger on a public highway. It is unnecessary for me to adduce further instances to show that you have placed yourself, in your capacity of governor, and so many of the citizens of the Territory of Utah as have obeyed your decree, in a position of rebellion and hostility to the general government of the United States. It becomes you to look to the consequences, for you must be aware that so unequal a contest can never be successfully sustained by the people you govern.

"It is my duty to inform you that I shall use the force under my control, and all honorable means in my power, to obey literally and strictly the orders under which I am acting. If you, or any acting under your orders, oppose me, I will use force, and I warn you that the blood that is shed in this contest will be upon your head. My means I consider ample to overcome any obstacle; and I assure you that any idea you may have formed of forcing these troops back, or of preventing them from carrying out the views of the government, will result in unnecessary violence and utter failure. Should you reply to this in a spirit which our relative positions give me a right to demand, I will be prepared to propose an arrangement with you. I have also the honor to inform you that all persons found lurking around or in any of our camps, will be put under guard and held prisoners as long as circumstances may require.

"I remain sir, very respectfully, your obedient servant,

E. B. ALEXANDER,

*Colonel 10th Infantry, Commanding.*

"*His Excellency Brigham Young,*
*Governor of Utah Territory.*"

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"GOVERNOR'S OFFICE,
Great Salt Lake City, Utah Territory, October 16, 1857.

"SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, at 8:30 this morning, and embrace the earliest opportunity to reply, out of courtesy to your position, at this late season of the year.

"As you officially allege it, I acknowledge that you and the forces have been sent to the Territory by the President of the United States, but we shall treat you as though you were open enemies, because I have so many times seen armies in our country, under color of law, drive this people, commonly styled Mormons, from their homes, while mobs have followed and plundered at their pleasure, which is now most obviously the design of the general government, as all candid, thinking men know full well. Were not such the fact, why did not the government send an army here to protect us against the savages when we first settled here, and were poor and few in number? So contrary to this was their course, that they sent an informal requisition for five hundred of our most effi-

cient men, (while we were in an Indian country and striving to leave the borders of the United States, from which its civilization (?) had expelled us,) with a preconcerted view to cripple and destroy us. And do you fancy for a moment that we do not fully understand the tender (?) mercies and designs of our government against us? Again, if an army was ordered here for peaceful purposes, to protect and preserve the rights and lives of the innocent, why did government send here troops that were withdrawn from Minnesota, where the Indians were slaughtering men, women, and children, and were banding in large numbers, threatening to lay waste the country?

"You mention that it is alone in my gubernatorial capacity that you have any business with me, though your commanding officer, Brevet-Brigadier General Harney, addressed his letter by Captain Van Vliet to 'President Brigham Young, of the society of Mormons.'

"You acknowledge the receipt of my official proclamation, forbidding your entrance into the Territory of Utah, and upon that point I have only to again inform you that the matter set forth in that document is true, and the orders therein contained will be most strictly carried out.

"If you came here for peaceful purposes, you have no use for weapons of war. We wish, and ever have wished for peace, and have ever sued for it all the day long, as our bitterest enemies know full well; and though the wicked, with the administration now at their head, have determined that we shall have no peace, except it be to lie down in death, in the name of Israel's God we will have peace, even though we be compelled by our enemies to fight for it.

"We have as yet studiously avoided the shedding of blood, though we have resorted to measures to resist our enemies, and through the operations of those mild measures, you can easily perceive that you and your troops are now at the mercy of the elements, and that we live in the mountains, and our men are all mountaineers. This the government should know, and also give us our rights and then let us alone.

"As to the style of those measures, past, present, or future, persons acting in self-defence have of right a wide scope for choice, and that, too, without being very careful as to what name their enemies may see fit to term that choice; for both we and the Kingdom of God will be free from all hellish oppressors, the Lord being our helper. Threatenings to waste and exterminate this people have been sounded in our ears for more than a score of years, and we yet live. The Zion of the Lord is here, and wicked men and devils cannot destroy it.

"If you persist in your attempt to permanently locate an army in this Territory, contrary to the wishes and constitutional rights of the people therein, and with a view to aid the administration in their unhallowed efforts to palm their corrupt officials upon us, and to protect them and blacklegs, black-hearted scoundrels, whore masters, and murderers, as was the sole intention in sending you and your troops here, you will have to meet a mode of warfare against which your tactics furnish you no information.

"As to your inference concerning 'public and private letters,' it contains an ungentlemanly and false insinuation; for, so far as I have any knowledge, the only stopping or detaining of the character you mention has alone been done by

the Post Office Department in Washington; they having, as you must have known, stopped our mail from Independence, Missouri, by which it was but fair to presume that you, as well as we, were measurably curtailed in mail facilities.

"In regard to myself and certain others, having placed ourselves 'in a position of rebellion and hostility to the general government of the United States,' I am perfectly aware that we understand our true and most loyal position far better than our enemies can inform us. We, of all people, are endeavoring to preserve and perpetuate the genius of the Constitution and constitutional laws, while the administration and the troops they have ordered to Utah are, in fact, themselves the rebels, and in hostility to the general government. And if George Washington were now living, and at the helm of our government, he would hang the administration as high as he did Andre, and that, too, with a far better grace and to a much greater subserving the best interests of our country.

"You write: 'It becomes you to look to the consequences, for you must be aware that so unequal a contest can never be successfully sustained by the people you govern.' We have counted the cost it may be to us; we look for the United States to endeavor to swallow us up, and we are prepared for the contest, if they wish to forego the Constitution in their insane efforts to crush out all human rights. But the cost of so suicidal a course to our enemies we have not wasted our time considering, rightly deeming it more particularly their business to figure out and arrive at the amount of so immense a sum. It is now the kingdom of God and the kingdom of the devil. If God is for us we will prosper, but if He is for you and against us, you will prosper, and we will say amen; let the Lord be God, and Him alone we will serve.

"As to your obeying 'orders,' my official counsel to you would be for you to stop and reflect until you know wherein are the just and right, and then, David Crocket like, go ahead. But if you undertake to come in here and build forts, rest assured that you will be opposed, and that you will need all the force now under your command, and much more. And, in regard to your warning, I have to inform you that my head has been sought during many years past, not for any crime on my part, or for so much as even the wish to commit a crime, but solely for my religious belief, and that, too, in a land of professed constitutional religious liberty.

"Inasmuch as you consider your force amply sufficient to enable you to come to this city, why have you so unwisely dallied so long on Ham's Fork at this late season of the year?

"Carrying out the views of the government, as those views are now developing themselves, can but result in the utter overthrow of that Union which we, in common with all American patriots, have striven to sustain; and as to our failure in our present efforts to uphold rights justly guaranteed to all citizens of the United States, that can be better told hereafter.

"I presume that the 'spirit' and tenor of my reply to your letter will be unsatisfactory to you, for doubtless you are not aware of the nature and object of the service in which you are now engaged. For your better information, permit me to inform you that we have a number of times been compelled to receive and submit to the most fiendish proposals, made to us by armies virtually belonging to

the United States, our only alternative being to comply therewith. At the last treaty forced upon us by our enemies, in which we were required to leave the United States, and with which we, as hitherto, complied, two United States Senators were present, and pledged themselves, so far as their influence might reach, that we should be no more pursued by her citizens. That pledge has been broken by our enemies, as they have ever done when this people were a party, and we have thus always proven that it is vain for us to seek or expect protection from the officials or administrators of our government. It is obvious that war upon the Saints is all the time determined, and now we, for the first time, possess the power to have a voice in the treatment that we will receive, and we intend to use that power, so far as the Constitution and justice may warrant, which is all we ask. True, in struggling to sustain the Constitution and constitutional rights belonging to every citizen of our republic, we have no arm or power to trust in but that of Jehovah and the strength and ability that He gives us.

"By virtue of my office as governor of the Territory of Utah, I command you to marshal your troops and leave this Territory, for it can be of no possible benefit to you to wickedly waste treasures and blood in prosecuting your course upon the side of a rebellion against the general government by its administrators. You have had and still have plenty of time to retire within reach of supplies at the east, or to go to Fort Hall. Should you conclude to comply with so just a command, and need any assistance to go east, such assistance will be promptly and cheerfully extended. We do not wish to destroy the life of any human being, but, on the contrary, we ardently desire to preserve the lives and liberties of all, so far as it may be in our power. Neither do we wish for the property of the United States, notwithstanding they justly owe us millions.

"Colonel, should you, or any of the officers with you, wish to visit this city, unaccompanied by troops, as did Captain Van Vliet, with a view to personally learn the condition and feelings of this people, you are at liberty to do so, under my cheerfully proffered assurance that you will be safely escorted from our outposts to this city and back, and that during your stay in our midst you will receive all that courtesy and attention your rank demands. Doubtless you have supposed that many of the people here would flee to you for protection upon your arrival, and if there are any such persons they shall be at once conveyed to your camp in perfect safety, so soon as such fact can be known.

"Were you and your fellow-officers as well acquainted with your soldiers as I am with mine, and did they understand the work they are now engaged in as well as you may understand it, you must know that many of them would immediately revolt from all connection with so ungodly, illegal, unconstitutional and hellish a crusade against an innocent people, and if their blood is shed it shall rest upon the heads of their commanders. With us it is the kingdom of God or nothing. I have the honor to be,

Your obedient servant,

BRIGHAM YOUNG,

*Governor and Superintendent of Indian Affairs, U. T.*"

"*E. B. Alexander, Colonel 10th Infantry, U. S. A.*"

"HEADQUARTERS ARMY FOR UTAH,
Camp on Ham's Fork, October 19, 1857.

"SIR: I have received by the hands of Lieutenant Colonel Beatie your letter of the 16th instant. It is not necessary for me to argue the points advanced by you, and I have only to repeat my assurance that no harm would have happened to any citizen of Utah through the instrumentality of the army of the United States, in the performance of its legitimate duties without molestation. My disposition of the troops depends upon grave considerations not necessary to enumerate, and considering your order to leave the Territory illegal and beyond your authority to issue, or power to enforce, I shall not obey it.

"I am, sir, with respect, your obedient servant,

E. B. ALEXANDER,
*Colonel Commanding, 10th Infantry U. S. A.*

"*His Excellency Brigham Young,*
*Governor of Utah Territory.*"

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"GOVERNOR'S OFFICE,
Great Salt Lake City, October 28, 1857.

"SIR: Having learned that Mrs. Mago, with her infant child, wishes to join her husband in your camp, also that Mr. Jesse Jones, who has been in this city a few weeks, was anxious to see Mr. Roup, it has afforded me pleasure to cause the necessary arrangements to be made for their comfortable and safe conveyance to your care, under the conduct and protection of Messrs. John Harvey, Joseph Sharp, Adam Sharp, and Thomas J. Hickman, the bearers of this communication.

"Mrs. Mago and her infant are conveyed to your camp in accordance with my previously often expressed readiness to forward to you such as might wish to go, and is the only resident of that description in Utah, as far as I am informed. Her husband made his first appearance here in the capacity of a teamster for Captain W. H. Hooper. He was then in very destitute circumstances; and has since been in the employ of the late United States surveyor general of Utah, and I am not aware that he has any property or tie of any description in this Territory, except the wife and child now conveyed to him in your camp. Should Colonel Conby and lady wish to partake of the hospitalities proffered by Mr. Heywood and family, and should Captain R. B. Marcy desire to favor me with a visit, as I infer from his letter of introduction forwarded and in my possession, or should you or any other officers in your command wish to indulge in a trip to this city, you will be kindly welcomed and hospitably entertained, and the vehicle and escort now sent to your camp are tendered for conveyance of such as may receive your permission to avail themselves of this cordial invitation.

"It is also presumed that your humane feelings will prompt you, in case there are any persons who wish to peacefully leave your camp for this city, to permit them to avail themselves of the protection and guidance of the escort now sent.

"Trusting that this communication will meet your entire approval and hearty co-operation, I have the honor, sir, to be your obedient servant,

BRIGHAM YOUNG,

*Governor and Superintendent of Indian Affairs, U. T.*

"*Colonel E. B. Alexander,*

*Tenth Infantry, U. S A, Camp Ham's Fork.*"

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"GREAT SALT LAKE CITY, October 21, 1857.

"MY DEAR SIR: I embrace this the earliest opportunity of answering your communication to me, embracing a letter from Mr. Fuller, of New York, to you, an introductory letter to me, and also one from W. I. Appleby to Governor Young; the latter, immediately on its receipt, I forwarded to His Excellency; and here let me state, sir, that I sincerely regret that circumstances now existing have hitherto prevented a personal interview.

"I can readily believe your statement, that it is very far from your feelings, and most of the command that are with you, to interfere with our social habits or religious views. One must naturally suppose that among gentlemen educated for the army alone, who have been occupied by the study of the art of war, whose pulses have throbbed with pleasure at the contemplation of the deeds of our venerated fathers, whose minds have been elated by the recital of the heroic deeds of other nations, and who have listened almost exclusively to the declamations of patriots and heroes, that there is not much time, and less inclination, to listen to the low party bickerings of political demagogues, the interested twaddle of sectional declaimers, or the throes and contortions of contracted religious bigots. You are supposed to stand on elevated ground, representing the power and securing the interests of the whole of a great and mighty nation. That many of you are thus honorable, I am proud, as an American citizen, to acknowledge; but you must excuse me, my dear sir, if I cannot concede with you that all your officials are so high-toned, disinterested, humane and gentlemanly, as a knowledge of some of their antecedents expressly demonstrates. However, it is not with the personal character, the amiable qualities, high-toned feelings, or gentlemanly deportment of the officers in your expedition, that we at present have to do. The question that concerns us is one that is independent of your personal, generous, friendly and humane feelings or any individual predilection of yours; it is one that involves the dearest rights of American citizens, strikes at the root of our social and political existence, if it does not threaten our entire annihilation from the earth. Excuse me, sir, when I say that you are merely the servants of a lamentably corrupt administration; that your primary law is obedience to orders, and that you came here with armed foreigners with cannon, rifles, bayonets, and broadswords, expressly, and for the openly avowed purpose of 'cutting out the loathsome ulcer from the body politic.' I am aware what our friend Fuller says in relation to this matter, and I entertain no doubt of his generous and humane feelings, nor do I of yours, sir; but I do know that he is mistaken in relation to the rabid tone and false, furious attacks of a venal and

corrupt press. I do know that they are merely the mouthpiece, the tools, the barking dogs of a corrupt administration. I do know that Mr. Buchanan was well apprised of the nature of the testimony adduced against us by ex-Judge Drummond and others; for he was informed of it, to my knowledge, by a member of own cabinet, and I further know, from personal intercourse with members of the Senate and House of Representatives of the United States, that there have been various plans concerted at headquarters for some time past, for the overthrow of this people. Captain, Mr. Fuller informs me that you are a politician; if so, you must know that in the last presidential campaign the republican party had opposition to slavery and polygamy as two of the principal planks in their platform. You may know, sir, that Utah was picked out, and the only Territory excluded from a participation in pre-emption rights to land. You may also be aware that bills were introduced into Congress for the persecution of the Mormons; but other business was too pressing at that time for them to receive attention. You may be aware that measures were also set on foot, and bills prepared to divide up Utah among the Territories of Nebraska, Kansas, Oregon and New Mexico (giving a slice to California), for the purpose of bringing us into collision with the people of those Territories, not to say anything about thousands of our letters detained at the postoffice at Independence. I might enumerate injuries by the score, and if these things are not so, why is it that Utah is so 'knotty a question?' If people were no more ready to interfere with us and our institutions than we are with them and theirs, these difficulties would vanish into thin air. Why, again I ask, could Drummond and a host of others, mean scribblers, palm their barefaced lies with such impunity, and have their infamous slanders swallowed with so much gusto? Was it not that the administration and their satellites, having planned our destruction, were eager to catch at anything to render specious their contemplated acts of blood? Or, in plain terms, the democrats advocated strongly popular sovereignty. The republicans tell them that, if they join in maintaining inviolable the domestic institutions of the South, they must also swallow polygamy. The democrats thought this would not do, as it would interfere with the religious scruples of many of their supporters, and they looked about for some means to dispose of the knotty question. Buchanan, with Douglass, Cass, Thompson and others of his advisers, after failing to devise legal measures, hit upon the expedient of an armed force against Utah; and thus thought, by the sacrifice of the Mormons, to untie the knotty question; do a thousand times worse than the republicans ever meant; fairly out-Herod Herod, and by religiously extirpating, destroying, or killing a hundred thousand innocent American citizens, satisfy a pious, humane, patriotic feeling of their constituents; take the wind out of the sails of the republicans, and gain to themselves immortal laurels. Captain, I have heard of a pious Presbyterian doctrine that would inculcate thankfulness to the all-wise Creator for the privilege of being damned. Now, as we are not Presbyterians, nor believe in this kind of self-abnegation, you will, I am sure, excuse us for finding fault at being thus summarily dealt with, no matter how agreeable the excision or expatriation might be to our political, patriotic or very pious friends. We have lived long enough in the world to know that we are a portion of the body politic, have some rights as well as other people,

and that if others do not respect us, we, at least, have manhood enough to respect ourselves.

"Permit me here to refer to a remark made by our friend Mr. Fuller, to you, viz: 'That he had rendered me certain services in the city of New York, and that he had no doubt that when you had seen us and known us as he had, that you would report as favorably as he had unflinchingly done.' Now, those favors to which Mr. Fuller refers were simply telling a few plain matters of fact that had come under his own observation during a short sojourn at Salt Lake. This, of course, I could duly appreciate, for I always admired a man who dare tell the truth. But, Captain, does it not strike you as humiliating to manhood and to the pride of all honorable American citizens, when among the thousands that have passed through and sojourned among us, and knew as well as Mr. Fuller did our true social and moral position, that perhaps one in ten thousand dare state their honest convictions; and further, that Mr. Fuller, with his knowledge of human nature, should look upon you as a *rara avis*, possessing the moral courage and integrity to declare the truth in opposition to the floods of falsehood that have deluged our nation. Surely, we have fallen on unlucky times, when honesty is avowed to be at so great a premium.

"In regard to our religion, it is perhaps unnecessary to say much; yet, whatever others' feelings may be about it, with us it is honestly a matter of conscience. This is a right guaranteed to us by the Constitution of our country; yet it is on this ground, and this alone, that we have suffered a continued series of persecutions, and that this present crusade is set on foot against us. In regard to this people, I have traveled extensively in the United States, and through Europe, yet have never found so moral, chaste, and virtuous a people, nor do I expect to find them. And, if let alone, they are the most patriotic, and appreciate more fully the blessings of religious, civil, and political freedom than any other portion of the United States. They have, however, discovered the difference between a blind submission to the caprices of political demagogues and obedience to the Constitution, laws, and institutions of the United States; nor can they, in the present instance, be hoodwinked by the cry of 'treason.' If it be treason to stand up for our constitutional rights; if it be treason to resist the unconstitutional acts of a vitiated and corrupt administration, who, by a mercenary armed force, would seek to rob us of the rights of franchise, cut our throats to subserve their party, and seek to force upon us its corrupt tools, and violently invade the rights of American citizens; if it be treason to maintain inviolate our homes, our firesides, our wives, and our honor from the corrupting and withering blight of a debauched soldiery; if it be treason to keep inviolate the Constitution and institutions of the United States, when nearly all the States are seeking to trample them under their feet, then, indeed, we are guilty of treason. We have carefully considered all these matters and are prepared to meet the 'terrible vengeance' we have been very politely informed will be the result of our acts. It is in vain to hide it from you that this people have suffered so much from every kind of official that they will endure it no longer. It is not with them an idle phantom, but a stern reality. It is not, as some suppose, the voice of Brigham only, but the universal, deep-settled feeling of the whole community. Their cry

is, 'Give us our Constitutional rights; give us liberty or death!' A strange cry in our boasted model republic, but a truth deeply and indelibly graven on the hearts of 100,000 American citizens by a series of twenty-seven years' unmitigated and unprovoked, yet unrequited wrongs. Having told you of this, you will not be surprised that when fifty have been called to assist in repelling our aggressors, a hundred have volunteered, and, when a hundred have been called, the number has been more than doubled; the only feeling is 'don't let us be overlooked or forgotten.' And here let me inform you that I have seen thousands of hands raised simultaneously, voting to burn our property rather than let it fall into the hands of our enemies. They have been so frequently robbed and despoiled without redress, that they have solemnly decreed that, if they cannot enjoy their own property, nobody else shall. You will see by this that it would be literally madness for your small force to attempt to come into the settlements. It would only be courting destruction. But, say you, have you counted the cost? have you considered the wealth and power of the United States and the fearful odds against you? Yes; and here let me inform you that, if necessitated, we would as soon meet 100,000 as 1,000, and, if driven to the necessity, will burn every house, tree, shrub, rail, every patch of grass and stack of straw and hay, and flee to the mountains. You will then obtain a barren, desolate wilderness, but will not have conquered the people, and the same principle in regard to other property will be carried out. If this people have to burn their property to save it from the hands of legalized mobs, they will see to it that their enemies shall be without fuel; they will haunt them by day and by night. Such is, in part, our plan. The three hundred thousand dollars' worth of our property destroyed already in Green River County is only a faint sample of what will be done throughout the Territory. We have been twice driven, by tamely submitting to the authority of corrupt officials, and left our houses and homes for others to inhabit, but are now determined that, if we are again robbed of our possessions, our enemies shall also feel how pleasant it is to be houseless at least for once, and be permitted, as they have sought to do to us, 'to dig their own dark graves, creep into them, and die.'

"You see we are not backward in showing our hands. Is it not strange to what lengths the human family may be goaded by a continued series of oppressions? The administration may yet find leisure to pause over the consequences of their acts, and it may yet become a question for them to solve whether they have blood and treasure enough to crush out the sacred principles of liberty from the bosoms of 100,000 freemen, and make them bow in craven servility to the mendacious acts of a perjured, degraded tyrant. You may have learned already that it is anything but pleasant for even a small army to contend with the chilling blasts of this inhospitable climate. How a large army would fare without resources you can picture to yourself. We have weighed those matters; it is for the administration to post their own accounts. It may not be amiss, however, here to state that, if they continue to prosecute this inhuman fratricidal war, and our Nero would light the fires and, sitting in his chair of state, laugh at burning Rome, there is a day of reckoning even for Neros. There are generally two sides to a question. As I before said, we wish for peace, but that we are deter-

mined on having it if we have to fight for it. We will not have officers forced upon us who are so degraded as to submit to be sustained by the bayonet's point. We cannot be dragooned into servile obedience to any man.

"These things settled, Captain, and all the like preliminaries of etiquette are easily arranged; and permit me here to state, that no man will be more courteous and civil than Governor Young, and nowhere could you find in your capacity of an officer of the United States a more generous and hearty welcome than at the hands of his excellency. But when, instead of battling with the enemies of our country, you come (though probably reluctantly) to make war upon my family and friends, our civilities are naturally cooled, and we instinctively grasp the sword; Minie rifles, Colt's revolvers, sabres, and cannon may display very good workmanship and great artistic skill, but we very much object to having their temper and capabilities tried upon us. We may admire the capabilities, gentlemanly deportment, heroism and patriotism of United States officers; but in an official capacity of enemies, we would rather see their backs than their faces. The guillotine may be a very pretty instrument, and show great artistic skill, but I don't like to try my neck in it.

"Now, Captain, notwithstanding all this, I shall be very happy to see you if circumstances should so transpire as to make it convenient for you to come, and to extend to you the courtesies of our city, for I am sure you are not our personal enemy. I shall be happy to render you any information in my power in regard to your contemplated explorations.

"I am heartily sorry that things are so unpleasant at the present time, and I cannot but realize the awkwardness of your position, and that of your compatriots, and let me here say that anything that lays in my power compatible with the conduct of a gentleman you can command. If you have leisure, I should be most happy to hear from you. You will, I am sure, excuse me, if I disclaim the prefix of reverend to my name; address John Taylor, Great Salt Lake City.

"I need not here assure you that personally there can be no feelings of enmity between us and your officers. We regard you as the agents of the administration in the discharge of a probably unpleasant duty, and very likely ignorant of the ultimate designs of the administration. As I left the East this summer, you will excuse me when I say I am probably better posted in some of these matters than you are, having been one of a delegation from the citizens of this Territory to apply for admission into the Union. I can only regret that it is not our real enemies that are here instead of you. We do not wish to harm you or any of the command to which you belong, and I can assure you that in any other capacity than the one you now occupy, you would be received as civilly and treated as courteously as in any other portion of our Union.

"On my departure from the States, the fluctuating tide of popular opinion against us seemed to be on the wave. By this time there may be quite a reaction in the public mind. If so, it may probably affect materially the position of the administration, and tend to more constitutional, pacific and humane measures. In such an event our relative positions would be materially changed, and instead of meeting as enemies, we could meet, as all Americans should, friends to each other, and united against our legitimate enemies only. Such an issue is devoutly

to be desired, and I can assure you that no one would more appreciate so happy a result to our present awkward and unpleasant position, than yours truly,

JOHN TAYLOR.

*Captain Marcy.*

HEADQUARTERS ARMY OF UTAH, Black's Fork,
*16 miles from Fort Bridger, en route to Salt Lake City,*
*November 7th, 1857.*

Official: F. J. PORTER,
*Assistant Adjutant General.*

## CHAPTER XX.

REVIEW OF THE EXPEDITION. KANSAS TROUBLES. GENERAL HARNEY RELIEVED OF THE COMMAND. GENERAL PERSIFER F. SMITH APPOINTED IN HIS STEAD. HE DIES AND COLONEL ALBERT SIDNEY JOHNSTON IS APPOINTED. DISASTROUS MARCH OF THE SECOND DRAGOONS TO UTAH. SCENE OF THE ARMY IN WINTER QUARTERS.

At this point must be given a circumstantial review of the history of the Expedition from the issuing of General Scott's circular to the close of the winter of 1857-8, so bitter in its experience to the ill-fated troops who composed the army sent to invade the Rocky Mountain Zion.

The force consisted of two regiments of infantry—the Fifth and Tenth; one regiment of cavalry—the old Second Dragoons; and two batteries of artillery—Reno's and Phelps'. Of the equipments, it may be said there was nothing forgotten and nothing grudged, to make the Expedition a splendid and thorough success.

"So well is the nature of this service appreciated," wrote the commander-in-chief to General Harney, by the pen of his *aid de camp*, "and so deeply are the honor and interests of the United States involved in its success, that I am authorized to say that the government will hesitate at no expense requisite to complete the efficiency of your little army, and to insure health and comfort to it, as far as attainable. Hence, in addition to the liberal orders for its supply heretofore given—and it is known that ample measures, with every confidence of success, have been dictated by the chiefs of staff departments here—a large discretion will be made over to you in the general orders for the movement. The employment of spies, guides, interpreters or laborers may be made to any reasonable extent you may think desirable."

And the officers were as eminent as the amplitude of the supplies and effi-

ciency of the equipments. The chief officers were gentlemen of thorough military education. There were names connected with that army, which rank to day in the national galaxy of America's great generals. There was General Harney, who at that period held the reputation of being the greatest Indian fighter of all the commanding officers of the American army; and for that reason he was probably singled out at the onset for this campaign against the Mormons, which in a mountainous country must necessarily have partaken much of the guerilla warfare, if it came to the action. There was General Persifier F. Smith, a distinguished officer; Captain Van Vliet, afterwards a Major-General; Colonel Philip St. George Cooke, also afterwards a Major General, and of before time the honored commander of the Mormon Battalion; Captain Marcy a distinguished officer and father in-law of General McClellen; Colonel Alexander who himself was able to command an expedition; and greater than all besides Colonel Albert Sidney Johnston, the brilliant soldier who afterwards commanded the Confederate army ot the battle of Shiloh, and fell as one of the laurelled heroes of Southern rebeldom, but in 1857 he was sent as the commander to put down Mormon rebeldom. What a strange fatality! and what a parallel!

It was the flower of the American army that was sent to Utah, and its history is more remarkable from that very fact. When the order was given for the march of the troops, no one of that command could have divined that such terrible disasters were in store as befel them before the close of the year. The prospect appeared auspicious at the commencement of the march. Writing from Fort Kearney, August 10th, Colonel Alexander reported all well. "The men are in good health and condition, and have surprised me by the endurance they exhibited from the commencement. The march from Fort Leavenworth here occupied nineteen days, giving an average of fifteen and a half miles per day." Writing from Fort Laramie, September 3d, he congratulates with the following passage:

"On the 5th the march to Utah will be resumed, and although the accounts of the road as regards grass makes it much more difficult than anything we have yet experienced, I hope to give as favorable a report upon my arrival at the Salt Lake City.

"I may be excused from expressing the pride I feel in the successful accomplishment by my regiment of so much of its first arduous duty, and I confidently express the belief that unless some very unforeseen accident occurs, I will reach the Territory of Utah in a condition of perfect efficiency and discipline."

Meantime a change had come in the disposition of the Expedition, that the Mormons might well consider as fated, both to themselves and the troops; for had that expedition under General Harney reached the Great Salt Lake Valley that year, it certainly must have been after a desperate battle or two with the "Nauvoo Legion" under General Wells; then if the word of Brigham Young had been kept, as faithfully as the burning of the government trains indicated, General Harney, even though a victor, would have found Great Salt Lake City in ashes; and, in his spring campaign, every city in Utah would have shared

the same fate, or that United States army would have been baptized in its own blood.

But no sooner had Colonel Alexander started with his advance troops than the Kansas troubles revived. "Bleeding Kansas" had for several years been the national sensation, and "Border Ruffianism" was a real terror to the American mind, while Mormon rebellion was much of a myth, and at its worst was no subject of political terrorism to the nation. The presence of General Harney and the Second Dragoons was now needed in Kansas by this new development of affairs. His supposed fitness, above other generals to command the Utah Expedition, made him more abundantly fit now to grapple with Kansas. Captain Van Vliet sensed the strange fatality of this new development when he said to Brigham Young: "I am anxious to get back to Washington as soon as I can. I have heard officially that General Harney has been recalled to Kansas, to officiate as Governor."

Thus the General who, from his experience in Indian warfare, was supposed to be sufficient to put down the Indians and Mormons combined—that being one of the suppositions of this war—never took command of this expedition, and the dragoons were, therefore, absent from the Plains when they were most required.

General Persifer F. Smith was assigned to the command in the place of General Harney, but he fell ill and died at Fort Leavenworth. The infantry and artillery, with all the quartermaster and commissary stores, were then on the plains, and the command of the expedition, by seniority of rank, devolved upon Colonel Alexander, of the Tenth Infantry. The expedition was, therefore, without any instructions from the Government; all that its commander, Colonel Alexander, knew was its destination. The next link of the strange history is found in the following military order:

"WASHINGTON, August 28th, 1857.

"COLONEL: In anticipation of the orders to be issued placing you in command of the Utah expedition, the general-in-chief directs you to repair, without delay, to Fort Leavenworth, and apply to Brevet Brigadier General Harney for all the orders and instructions he has received as commander of that expedition, which you will consider addressed to yourself, and by which you will be governed accordingly. You will make your arrangements to set out from Fort Leavenworth at as early a day as practicable. Six companies of the 2d Dragoons will be detached by General Harney to escort you and the civil authorities to Utah, to remain as part of your command instead of the companies of the 1st Cavalry, as heretofore ordered. Brevet Major T. J. Porter, assistant adjutant general, will be ordered to report to you for duty before you leave Fort Leavenworth.

"I have the honor to be, colonel, very respectfully, your most obedient servant,

IRVIN McDOWELL,
*Assistant Adjutant General.*

"*Colonel Albert S. Johnston,*
*2d Cavalry, Washington, D C.*

As the army passed the boundary line of Utah, Governor Young's Proclamation was forwarded, with his order to arrest the advance of "the forces now invading Utah Territory." This was the juncture when either General Harney or Colonel Johnston should have been on the spot, with the entire force, to have opened the campaign, but at that very moment Colonel Albert Sidney Johnston wasstill at Fort Leavenworth, a thousand miles from the army to which he had been appointed, while Colonel Philip St. George Cooke, commanding 2d Dragoons, and Colonel C. F. Smith commanding Battalion 10th Infantry were also far away from the seat of action. Colonel Cooke in command of six companies 2d Dragoons commenced his march from Fort Leavenworth, on the 17th of September, and arrived at Fort Bridger November 19. Of his onset he has thus reported:

"The regiment has been hastily recalled from service in the field and allowed three or four days only, by my then commanding officer, to prepare for a march of eleven hundred miles over an uninhabited and mountain wilderness; in that time the six companies of the regiment who were to compose the expedition were re-organized; one hundred and ten transfers necessarily made from and to other companies; horses to be condemned and many obtained; the companies paid, and about fifty desertions occured; the commanders of four of them changed. To these principle duties and obstacles, implying a great mass of writing, were to be added every exertion of experience and foresight to provide for a line of operation of almost of unexampled length and mostly beyond communication. On the evening of the 16th, at the commencement of a rain-storm, an inspector general made a hurried inspection by companies, which could not have been very satisfactory to him or others—the company commanders, amid the confusion of Fort Leavenworth, presenting their new men, raw recruits, whom they had yet scarcely found or seen, under the effects usually following the pay-table."

Governor Cumming, also, who should have been at the seat of war to have met Governor Young's proclamation with a counter proclamation, giving to Colonel Alexander the power to act as his *posse commitatus*, before the winter set in, was under the escort of Colonel Cooke, and did not issue his proclamation before the 21st of November.

Brigham and the Mormons alone were prepared for the issue, notwithstanding the Government had taken every precaution to prevent the news of the projected expedition reaching Utah in advance, by cutting off the postal communication. (It is so charged by Governor Young.) In six days after the news reached the Pioneers of the coming of the army, the Utah militia is ordered out; in twenty-one days the first detachment of the Mormon Life Guards has taken the field, under Colonel Burton; in one month and eleven days Lot Smith has burnt the supply trains of the Expedition.

In May, General Scott's circular was issued for the march of the army; in the latter part of November Colonel Albert Sidney Johnston and Governor Alfred Cumming were at headquarters, Camp Scott, powerless to act, locked out from Salt Lake Valley by the commanding general of *the year*—inexorable winter.

General Sam Houston had said to the Government at the onset: "If you make war upon the Mormons you will get awfully whipped!" which, when it was told to Brigham Young, he said, "General Sam Houston had it right."

Hearing nothing from his commander, without instructions and fearing everything, Colonel Alexander concentrated his forces at Ham's Fork, until some course should be resolved upon by a council of the officers. It was then the latter part of September; winter was approaching, the stock of forage was rapidly decreasing, and the country was altogether unfitted for winter-quarters. Every day's delay was disastrous, and threatened the very existence of the expedition, for the mountains were already covered with snow and the daring Mormon cavalry were constantly harassing the supply trains and running off the animals. The troops began to show signs of demorilization; they were in a bleak and barren desert, with an enemy surrounding them that knew every inch of the ground, and who, to all appearance, could easily destroy them without shedding a drop of their own blood.

On the 10th of October the officers of the Expedition held a council of war and determined that the army should advance from Ham's Fork, but to change the route of travel and make Salt Lake Valley, if they could, *via* Soda Springs, a distance of nearly three hundred miles, and at least a hundred and fifty miles farther than the route through Echo Canyon. The order was issued, and next day the troops commenced a dreary march.

"Early in the morning," says Stenhouse, in his "Rocky Mountain Saints," "the sky was surcharged with dark, threatening clouds, and as they started the snow fell heavily. A few supply-trains were kept together and guarded by the infantry, but the travel was slow, vexatious and discouraging. The beasts of burden were suffering from want of forage, as, in anticipation of this movement, the grass had been burned all along that route. The animals were completely exhausted, and, before they were a week on the new route, three miles a day was all the distance that could be made.

"Another council of war was held, but the only topics of discussion were the suffering, disaster, and heavy losses of the company. The soldiers were murmuring, and dissatisfaction reigned everywhere. Some gallant officers were desirous of forcing an issue with the Mormons, cutting their way through the canyons, and taking their chances of what might come. This course might have afforded some gratification to individuals, but to the company at large it was impracticable: every effort was necessary to save the Expedition from total ruin."

In explanation of the unprecedented slow march, it should be stated that every movement was really a military manouvre. Colonel R. T. Burton, with a force of about 200 Mormon soldiers was constantly harassing the army, which in return resorted to every strategy to deceive the Mormon soldiers in regard to their real intent.

Every day they moved a short distance, but realizing that their movements were constantly watched by the Mormon soldiery, Colonel Alexander was in doubt as to what course to pursue, as while moving north, every means of annoyance without actual warfare was employed by this little body of defenders of their Utah homes. Finally, as the result of this continued vigilance, on the

part of the little army of Mormons, Colonel Alexander retraced his steps and counter-marched down stream and went into Winter Quarters.

"In this forlorn condition the new commander was heard from, and the troops were instantly inspired with new life. Colonel Johnston comprehended the situation and ordered the Expedition to retrace its steps. The snow was six inches deep, the grass all covered, the animals starving. The advance had been slow, the retreat was simply crawling. On the 3rd of November they reached the point of rendezvous, and next day Colonel Johnston joined them with a small reinforcement and the remainder of the supply-trains.

"The *morale* of the army was restored by the presence of an efficient commander with instructions in his pocket, but the difficulties of the Expedition were increasing every hour. The supply-trains were strung out about six miles in length, the animals worrying along till, thoroughly exhausted, they would fall in their tracks and die.

"All this long line of wagons and beef cattle had to be guarded to prevent surprise and the stampede of the animals. The snow was deep on the ground and the weather was bitterly cold. Many of the men were fatally frost-bitten, and the cattle and mules perished by the score. In Colonel Philip St. George Cooke's command fifty-seven head of horses and mules froze to death in one night on the Sweetwater, and from there to Fort Bridger, where the Expedition finally wintered, the road was literally strewn with dead animals. The camp on Black's Fork, thirty miles from Fort Bridger, was named 'The Camp of Death.' Five hundred animals perished around the camp on the night of the 6th of November. Fifteen oxen were found huddled together in one heap, frozen stiff.

"In this perilous situation the expeditionary army to Utah made the distance to Bridger—thirty-five miles—in fifteen days! Often the advance had arrived at camp before the end of the train left. On the 16th of November, the army reached their winter-quarters, Camp Scott, two miles from the site of Fort Bridger and one hundred and fifteen from Salt Lake City."

The official report of Colonel Philip St. George Cooke is still more desolate. The experience of several days, as noted by the Colonel, will illustrate his report of the march of the Second Dragoons from Fort Leavenworth to Camp Scott:

"*November 6th*, we found the ground once more white and the snow falling, but then very moderately; I marched as usual. On a four-mile hill the north wind and drifting snow became severe; the air seemed turned to frozen fog; nothing could be seen; we were struggling in a freezing cloud. The lofty wall at 'Three Crossings' was a happy relief; but the guide, who had lately passed there, was relentless in pronouncing that there was no grass. The idea of finding and feeding upon grass, in that wintry storm, under the deep snow, was hard to entertain; but as he promised grass and other shelter two miles further, we marched on, crossing twice more the rocky stream, half choked with snow and ice; finally he led us behind a great granite rock, but all too small for the promised shelter. Only a part of the regiment could huddle there in the deep snow; whilst, the long night through, the storm continued, and in fearful eddies from above, before, behind, drove the falling and drifting snow. Thus exposed

for the hope of grass, the poor animals were driven, with great devotion, by the men, once more across the stream and three-quarters of a mile beyond, to the base of a granite ridge, but which almost faced the storm; there the famished mules, crying piteously, did not seek to eat, but desperately gathered in a mass, and some horses, escaping the guard, went back to the ford, where the lofty precipice first gave us so pleasant relief and shelter.

"Thus morning light had nothing cheering to reveal; the air still filled with driven snow; the animals soon came driven in, and, mingled in confusion with men, went crunching the snow in the confined and wretched camp, tramping all things in their way. It was not a time to dwell on the fact that from that mountain desert there was no retreat, nor any shelter near; but a time for action. No murmurs, not a complaint was heard, and certainly none saw in their commander's face a doubt or clouds; but with cheerful manner he gave orders as usual for the march.

"*November 10.* The northeast wind continued fiercely, enveloping us in a cloud which froze and fell all day. Few could have faced that wind. The herders left to bring up the rear with extra, but nearly all broken down mules, could not force them from the dead bushes of the little valley; and they remained there all day and night, bringing on the next day the fourth part that had not frozen. Thirteen mules were marched, and the camp was made four miles from the top of the pass. A wagon that day cut partly through the ice of a branch, and there froze so fast eight mules could not move it empty. Nearly all the tent pins were broken in the last camp; a few of iron were here substituted. Nine trooper horses were left freezing and dying on the road that day, and a number of soldiers and teamsters had been frost-bitten. It was a desperately cold night. The thermometers were broken, but, by comparison, must have marked twenty-five degrees below zero. A bottle of sherry wine froze in a trunk. Having lost about fifty mules in thirty-six hours, the morning of the eleventh, on the report of the quartermaster, I felt bound to leave a wagon in the bushes, filled with seventy-four extra saddles and bridles, and some sabres. Two other wagons at the last moment he was obliged to leave, but empty. The Sharp's carbines were then issued to mounted as well as dismounted men.

"*November 11.* The fast growing company of dismounted men were marched together as a separate command by day; the morning of the 12th, a number of them were frost-bitten from not being in motion, although standing by fires.

"*November 15.* The sick report had rapidly run up from four or five to forty-two; thirty-six soldiers and teamsters having been frosted.

"FORT BRIDGER, *November 19.* I have one hundred and forty-four horses, and have lost one hundred and thirty-four. Most of the loss has occurred much this side of South Pass, in comparatively moderate weather. It has been of starvation; the earth has a no more lifeless, treeless, grassless desert; it contains scarcely a wolf to glut itself on the hundreds of dead and frozen animals, which for thirty miles nearly block the road; with abandoned and shattered property, they mark, perhaps, beyond example in history, the steps of an advancing army with the horrors of a disastrous retreat."

The winter experience of the troops after their arrival at Camp Scott was quite in keeping with the march to Utah as described by Colonel Cooke. Rations were short, and many articles of daily necessity were altogether unattainable. Whiskey sold at $12 a gallon; tobacco $3 a pound, and sugar and coffee about the same rate. Flour for a time was a luxury at a very high figure; "and the possession of a good supply with no other protection than the covering of a tent was as dangerous to its owner as a well-filled purse is to a pedestrian in a first-class city after sunset." The cattle, too, were miserably poor, but their hides furnished mocassins for the soldiers. Every day, all through the winter, bands of fifteen or twenty men might be seen hitched to wagons, trailing for five or six miles to the mountain sides to get loads of fuel for the use of the camp. But the greatest privation of all was caused by the lack of salt. Learning of this distress of the soldiers, and knowing that with poor meat and no vegetables, the craving for salt to season the dish must be almost as intolerable as the burning thirst for water in the desert, Brigham sent a load of salt to Colonel Johnston, accompanied with a letter of gift, which forms one of the Government documents. (See appendix.) But Colonel Johnston ordered the messengers from his camp with every expression of contempt for Brigham Young, the great Mormon "rebel." "How mutable are human affairs!" comments Stenhouse, noting this incident. "Five years later, that same Colonel Johnston was himself designated a 'rebel,' and became one of the most distinguished generals in the Confederate army. The Colonel Johnston of Utah became the General Albert Sidney Johnston of Shiloh!"

The salt, however, by indirect means was returned to the camp. Johnston's army, after all, did eat Brigham Young's salt; and the soldiers knew it, but the high-spirited commander shared it not. The Indians, however, soon furnished a supply for the Colonel and his officers, and hurried through the snow with their packs of salt and sold it at $5 per pound, but the increase of the supply reduced the price.

Probably Colonel Johnston thought that Brigham Young was wantonly tantalizing the high spirit of himself and officers with a realization of their condition; but, if he had read the following entry in Apostle Woodruff's diary, at a later date, he would probably have revised that opinion.

"I spent the evening at President Young's office (at Provo). He said, 'I am sorry for the army; and thought of sending word to the brethren in Great Salt Lake City to sell vegetables to them. I have also had it in my heart, when peace is established, to take all the cattle, horses and mules, which we have taken from the army, and return them to the officers.'"

Here is another similar entry of a later date:

"Colonel Alexander called yesterday and had a short interview; and it was very agreeable. President Young said, 'I was much pleased with him, and am satisfied that, if he had the sole command of the army, and I could have had three hours' conversation with him, all would have been right, and they could have come in last fall as well as now.'"

With this couple Colonel Alexander's statement in his letter, "I have only to repeat my assurance that no harm would have happened to any citizen of

Utah, through the instrumentality of the army of the United States in the performance of its legitimate duties without molestation. Together, these simple notes combine a volume of historical explanations. The people of Utah regarded it as an unhallowed crusade not a United States army that they were resisting.

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## CHAPTER XXI.

THE NAUVOO LEGION ORDERED IN FOR THE WINTER. PICKET GUARD POSTED. MARCH OF THE LEGION TO GREAT SALT LAKE CITY: RECEIVED WITH SONGS OF TRIUMPH. A JUBILANT WINTER IN ZION. SUMMARY OF GOVERNMENT MOVEMENTS FOR THE SPRING CAMPAIGN.

The army having gone into Winter Quarters at "Old Fort Bridger" and "Henry's Fork," the Nauvoo Legion was called in and concentrated at Camp Weber, situated at the mouth of Echo Canyon. As soon as the Territorial troops had all arrived, provisions were made for a picket-guard, consisting of fifty picked men under the command of Captain John R. Winder, to remain at Camp Weber during the winter, and the following order was issued:

"HEAD QUARTERS EASTERN EXPEDITION,
CAMP WEBER, December 4th, 1857.

"*Capt. John R. Winder.*

"DEAR BRO: You are appointed to take charge of the guard detailed to remain and watch the movements of the invaders. You will keep ten men at the lookout station on the heights of Yellow Creek. Keep a constant watch from the highest point during daylight, and a camp guard at night, also a horse guard out with the horses which should be kept out on good grass all day, and grained with two quarts of feed per day. This advance will occasionally trail out towards Fort Bridger, and look at our enemies from the high butte near that place. You will relieve this guard once a week. Keep open and travel the trail down to the head of Echo, instead of the road. Teamsters or deserters must not be permitted to come to your lookout station. Let them pass with merely knowing who and what they are, to your station on the Weber and into the city. If officers or others undertake to come in, keep them prisoners until you receive further advices from the city. Especially and in no case let any of the would be civil officers pass. These are, as far as I know, as follows: A. Cumming (governor), Eckels (chief justice), Dotson (marshal), Forney (superintendent of Indian affairs), Hockaday (district attorney). At your station on the Weber you will also keep a lookout, and guard the road at night, also keep a camp and horse guard. Keep the men employed making improvements, when not on other duty. Build a good horse corral, and prepare stables. Remove the houses into a fort

line and then picket in the remainder. Keep a trail open down the Weber to the citizen's road. Be strict in the issue of rations and feed. Practice economy both in your supplies and time and see that there is no waste of either. Dry a portion of the beef and use the bones in soup with the hard bread, which, as it will not keep equal with the flour, it is desirable to have first used so far as practicable.

"Instruct each mess to save their grease and ashes, and make soap, and wash their own clothes. Dig out troughs to save the soap, and learn to be saving in all things. If your lookout party discover any movement of the enemy in this direction, let them send two men to your camp on the Weber, and the remainder continue to watch their movements, and not all leave their station, unless it should prove a large party, but keep you timely advised so that you can meet them at the defences in Echo, or if necessary render them assistance. Where you can do so at an advantage, take all such parties prisoners, if you can without shooting, but if you cannot, you are at liberty to attack them as no such party must be permitted to come into the city. Should the party be two strong and you are compelled to retreat, do so after safely cacheing all supplies; in all cases giving us prompt information by express, that we may be able to meet them between here and the city. Send into the city every week all the information you can obtain, and send whether you have any news from the enemy or not, that we may know of your welfare, kind of weather, depth of snow, etc.

"The boys at the lookout station should not make any trail down to the road, nor expose themselves to view, but keep concealed as much as possible, as it is for that purpose that that position has been chosen. No person without a permit must be allowed to pass from this way to the enemy's camp. Be careful about this. Be vigilant, active and energetic and observe good order, discipline and wisdom in all your works, that good may be the result. Remember that to you is entrusted for the time being the duty of standing between Israel and their foes, and as you would like to repose in peace and safety while others are on the watchtower, so now while in the performance of this duty do you observe the same care, vigilance and activity, which you would desire of others when they come to take your place. Do not let any inaction on the part of the enemy lull you into a false security and cause any neglect on your part.

"Praying the Lord to bless and preserve you in life, health and strength, and wisdom and power to accomplish every duty incumbent upon you and bring peace to Israel to the utter confusion and overthrow of her enemies.

"I remain, your brother in the Gospel of Christ,

[Signed,] DAN'L H. WELLS,

*Lieut. Genrl. Comdng.*"

"P. S. Be careful to prevent fire being kindled in or near the commissary storehouse."

The guard having been selected, the Legion marched to Great Salt Lake City and on arriving there was greeted by the enthusiastic citizens with songs of victory. The poetess, Eliza R. Snow, saluted with her war-song, which the following lines will illustrate:

"Strong in the power of Brigham's God,
Your name's a terror to our foes;
Ye were a barrier strong and broad
As our high mountains crowned with snows.
* * *
Then welcome! sons of light and truth.
Heroes alike in age and youth."

In about two weeks Captain Winder reported to Governor Young that a deep snow had fallen in the mountains and he was instructed to release all but ten men. This guard was continued during the winter.

There was no need of scouts or spies to keep the city well posted relative to the army, for all through that winter, so cheerless to the Expedition, deserters and army teamsters were constantly arriving from Bridger, in many instances in a starving and destitute condition. They were kindly treated by the Mormon guard, provided with food and passed on to Great Salt Lake City. Through this channel, Governor Young and General Wells were kept well informed of the condition and contemplated movements of the army.

In December the Utah Legislature met in Great Salt Lake City, and Governor Young delivered his annual message, in which he reviewed the conduct of the Administration towards Utah, and at great length expounded the fundamental principles of the American Confederation. It is a remarkable document, and will be read a century hence with deep interest. [See Appendix.]

On the 20th of December the Legislature unanimously passed resolutions approving of Governor Young's course, and each member, signing his name to the document, pledged himself to maintain the rights and liberties of the people of Utah.

Notwithstanding that Governor Young and the chief men of the community had been indicted for high treason, in the self-constituted court of Chief Justice Eckels, held at Camp Scott; notwithstanding that Governor Cumming had also issued his proclamation to nullify that of Governor Young; and notwithstanding that the prospects were that before the close of the coming year the cities of Utah would be in ashes, and the Mormon women and children have fled to the "chambers of the mountains," while their husbands, fathers, sons and brothers would be doing battle with a re-inforced army; yet the winter of 1857-8 is to this day spoken of as the "gayest winter ever known in Utah." One of the literati of Salt Lake City, writing to a brother scribe in New York City, said: "Peace is enjoyed throughout this Territory by the citizens, from north to south, and every heart beats with the love of liberty—religious, political and social. During the winter festivities were very prevalent, and entertainments of various kinds were enjoyed. Dramatic and literary associations were attended to overflowing; balls and parties were frequent and numerously filled, and every amusement suitable for an enlightened and refined people was a source of profit to the caterer and pleasure and benefit to the patronizers. Indeed, had you seen the manner in which they enjoyed themselves, you would never have surmised for one moment that within a few miles of us there was an army—repugnant to every feeling of the people—who were only waiting to kill, corrupt and debase an innocent and virtuous community."

There is the great sagacity and remarkable common-sense leadership of Brigham Young seen in all this jubilee. He was preparing to make his second exodus, if necessary, and did not intend to play his Moses to a dispirited Israel.

Early in the Spring a large number of the soldiers of the Nauvoo Legion were again in the field, occupying their old camping grounds, where they continued until peace was proclaimed.

Of the state of affairs on the government side Stenhouse thus summarizes:

"Notwithstanding the difficulty experienced at that time of traveling across the plains in winter, an express occasionally carried to the Government the unwelcome news of the disaster that had befallen the expedition and the sufferings and privations that ensued. At one time there were grave fears of its ultimate success, but brave men and the unlimited resources of the Government were destined to overcome every obstacle. Captain Marcy with a company of picked men undertook a perilous journey from Fort Bridger to Taos, New Mexico, to obtain provisions, cattle and mules, for the relief of the expedition, and after most terrible suffering and heavy loss of animals, and many disabled men, he reached the point of supply, and was eminently successful.

"The misfortunes that had befallen the troops aroused the Government to a realization of the necessity of rendering every aid, both in men and material, to save the expedition and make it successful. Lieut.-Gen. Scott was summoned to Washington to consult with the Secretary of War, and at one time the project of entering Utah from the west was seriously entertained. The intimation that two regiments of volunteers would probably be called for in the spring met with a ready response from all parts of the Union. It was very evident that the nation was thoroughly dissatisfied with the state of affairs in Utah, and wanted to bring the Mormons to a settlement.

"Ready to take advantage of anything which promised wealth, there were multitudes of solicitous contractors seeking to supply the army in the West; and with a prodigality beyond all precedent, the War Department was perfectly reckless. The Sixth and Seventh regiments of infantry, together with the First Cavalry, and two batteries of artillery—about three thousand in all—were ordered to Utah, and every arrangement made for speedy and colossal warfare with the Prophet. Political writers charged to the administration of Mr. Buchanan an utter recklessness of expenditure, intended more for the support of political favorites and for the attainment of political purposes in Kansas than for the overthrow of the dynasty of Brigham. It was estimated in Washiugton that forty-five hundred wagons would be required to transport munitions of war and provisions for the troops for a period of from twelve to eighteen months, besides fifty thousand oxen, four thousand mules, and an army of teamsters, wagon-masters, and employees, at least five thousand strong. It was very evident that the Government was playing with a loose hand, and the consideration of cost to the national treasury was the last thing thought of. The transportation item for 1858, provided for the expenditure of no less than four and a half millions, and that contract was accorded to a firm in western Missouri, without public announcement or competition.

While all this was occupying the attention of the public, and the Government seemed determined that the war against the Mormons should be carried out with vigor, there was another influence at work to bring "the Utah rebellion" to a peaceful termination.

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## CHAPTER XXII.

BUCHANAN COERCED BY PUBLIC SENTIMENT INTO SENDING A COMMISSION OF INVESTIGATION. HE SENDS COLONEL KANE WITH A SPECIAL MISSION TO THE MORMONS. ARRIVAL OF THE COLONEL IN SALT LAKE CITY. HIS FIRST INTERVIEW WITH THE MORMON LEADERS. INCIDENTS OF HIS SOJOURN. HE GOES TO MEET GOVERNOR CUMMING, AND IS PLACED UNDER ARREST BY GENERAL JOHNSTON. HIS CHALLENGE TO THAT OFFICER. HE BRINGS IN THE NEW GOVERNOR IN TRIUMPH. RETURN OF COLONEL KANE.

The reaction came. The leading papers, both of America and England, declared that President Buchanan had committed a great and palpable blunder. He had sent an army, before a committee of investigation, and had made war upon one of our Territories for rejecting (?) a new Governor before that Governor had been sent. Brigham Young had clearly a constitutional advantage over the President of the United States—for in those days the rights of the citizen, and the rights of a State or Territory, had some meaning in the national mind. The idea of "Buchanan's blunder" once started, it soon became universal in the public mind. The Mormons were not in rebellion, as they themselves stoutly maintained. They were ready to receive the new Governor with becoming loyalty, but not willing to have him forced upon them by bayonets. There was nothing more to be said in the case, excepting that by the common law of nature, a man may hold off the hand at his throat to say in good old scriptural language, "Come let us reason together."

All America, and all Europe, "perceived the error," and a storm of condemnation and ridicule fell upon the devoted head of the President. Peace commissioners alone could help him out of the trouble.

At this critical juncture Colonel Kane sought the President and offered his services as mediator. Buchanan wisely recognized his potency and fitness, and without a moment's loss of time the Colonel set out on his self-imposed mission, although in such feeble health that any consideration short of the noble impulse that actuated him at the time would have deterred him from making the attempt. The undertaking was as delicate as it was important. Its

success alone could make it acceptable, either to the Mormons or to the nation.

For prudential reasons he registered himself as "Dr. Osborne" among the passengers on board the California steamer, which left New York in the first week of January, 1858. On reaching the Pacific coast, he hastened, overland, to Southern California, there overtaking the Mormons who had just broken up their colony at San Bernardino, re-gathering to Utah for the common defense. An escort was immediately furnished him, and he reached Salt Lake City in the following February.

Governor Young called a council of the Presidency and Twelve, at his house, on the evening of the day of Colonel Kane's arrival, and at 8 o'clock the "messenger from Washington" was introduced by Joseph A. Young, as "Dr. Osborne."

The introduction was very formal. The Colonel had a peculiar mission to fulfill, and was evidently desirous to maintain the dignity of the Government. Moreover, it was more than eleven years since he had met his friends of Winter Quarters. They had, with their people, become as a little nation, and the United States was making war upon them as an independent power. Notwithstanding that his great love for them had prompted him to undertake the long journey which he had just accomplished, at first he must have felt the uncertainty of his mission, and some misgivings as to the regard in which they would hold his mediation. But perhaps no other man in the nation at that critical moment would have been received by the Mormon leaders with such perfect confidence.

The Colonel was very pale, being worn down with travel by day and night. An easy chair was placed for him. A profound silence of some moments reigned. The council waited to hear the mind of the Government, for the coming of Colonel Kane had put a new aspect on affairs, though what it was to be remained to be shaped from that night. With great difficulty in speaking he addressed the council as follows:

"GOVERNOR YOUNG AND GENTLEMEN: I come as an ambassador from the chief executive of our nation, and am prepared and duly authorized to lay before you, most fully and definitely, the feelings and views of the citizens of our common country, and of the executive towards you, relative to the present position of this Territory, and relative to the army of the United States now upon your borders.

"After giving you the most satisfactory evidence in relation to matters concerning you, now pending, I shall then call your attention, and wish to enlist your sympathies, in behalf of the poor soldiers who are now suffering in the cold and snow of the mountains. I shall request you to render them aid and comfort, and to assist them to come here, and to bid them a hearty welcome into your hospitable valley.

"Governor Young, may I be permitted to ask a private interview for a few moments with you? Gentlemen, excuse my formality."

They were gone about thirty minutes, when they returned to the room. Colonel Kane then informed the council that Captain Van Vliet had made a good report of them at Washington, and had used his influence to have the army stop east of Bridger. He had done a great deal in their behalf.

"You all look very well," said the Colonel, "you have built up quite an empire here in a short time."

He spoke upon the prosperity of the people, instancing some of its phases; and then the enquiry came from some one present: "Did Dr. Bernhisel take his seat?" No news whatever of the Utah delegate had yet reached them.

"Yes," he answered, "Delegate Bernhisel took his seat. He was opposed by the Arkansas member and a few others, but they were treated as fools by more sagacious members; for, if the delegate had been refused his seat it would have been tantamount to a delaration of war."

Speaking of the conduct of the Mormons, he said:

"You have borne your part manfully in this contest. I was pleased to see how patiently your people took it."

"How was the President's message received?" asked Governor Young.

"The message was received as usual. In his appointments he had been cruelly impartial. So far he has made an excellent President. He has an able cabinet. They are more united, and work together better than some of our former cabinets have done."

"I suppose," observed Governor Young, caustically, "they are united in putting down Utah?"

"I think not," replied the Colonel.

Then came conversations on the affairs of the nation—of Spain, Kansas, the Black Warrior affair, financial pressure, etc.

By this time all restraint between the brethren and their noble friend was gone.

"I wish you knew how much I feel at home," he observed. "I hope I shall have the privilege of 'breaking bread with these, my friends.'"

"I want to take good care of you," returned Governor Young warmly. "I want to tell you one thing, and that is, the men you see here do not look old. The reason is, they are doing right, and are in the service of God. If men would do right they would live to a great age. There are but few in the world who have the amount of labor to do which I have. I have to meet men every hour in the day. It is said of me that I do more business in an hour than any President, King or Emperor has to perform in a day; and that I think for the people constantly. You can endure more now than you could ten years ago. If you had done as some men have done you would have been in your grave before now."

The Colonel replied, "I fear that I *can* endure more than I could ten years ago. The present life doesn't pay, and I feel like going away as soon as it is the will of God to take me."

"I know, to take this life as it is, and as men make it," answered President Young, "it does not appear worth living, but I can tell you that, when you see things as they are, you will find life is worth preserving, and blessings will follow our living in this life, if we do right."

"Now," continued the President, warming with his subject, "if God should say, I will let you live in this world without any pain or sorrow, we might feel life was worth living for. But this is not in his economy. We have to partake

of sorrow, affliction and death; and if we pass through this affliction patiently, and do right, we shall have a greater reward in the world to come. I have been robbed several times of my all in this life, and my property has gone into the hands of my enemies; but as to property, I care no more about it than about the dirt in the streets, only to use it as God wishes. But I think a good deal of a friend —a true friend. An honest man is truly the noblest work of God. It is not in the power of the United States to destroy this people, for they are in the hands of God. If we do right, He will preserve us. The Lord does many things which we would count as small things. For instance, a poor man once came into my office; I felt by the spirit that he needed assistance; I took five dollars out of my pocket and gave to him. I soon after found a five-dollar gold piece in my pocket, which I did not put there. Soon I found another. Many think that the Lord has nothing to do with gold; but he has charge of that as well as every other element. Brother Kimball said in Nauvoo, 'if we have to leave our houses we will go to the mountains, and in a few years we will have a better city than we have here.' This is fulfilled. He also said, 'We shall have gold, and coin twenty-dollar gold pieces.' We came here, founded a city, *and coined the first twenty-dollar gold pieces in the United States.* Seeing the brethren poorly clad, soon after we came here, he said, 'It will not be three years before we can buy clothing cheaper in Salt Lake Valley than in the States.' Before the time was out, the gold-diggers brought loads of clothing, and sold them in our city at a wanton price.

"Friend Thomas," concluded Governor Young, "the Lord sent you here, and he will not let you die—no, you cannot die till your work is done. I want to have your name live to all eternity. You have done a great work, and you will do a greater work still."

The council then broke up, and the brethren went to their homes.

The straightforward, noble simplicity of what was thus done and said between Thomas L. Kane and Brigham Young, in the presence of the apostles, cannot but strike the attention of the intelligent investigator.

After the council had ended, word was sent to Elder Wm. C. Staines that a Dr. Osborne, traveling with the company from California, was sick, and desired accommodation at his house; and late in the evening "Dr. Osborne" was duly introduced to, and cordially welcomed by, Elder Staines. The elder had no idea that his guest was other than the person represented, for when Colonel Kane was at Winter Quarters, he (Staines) was among the Indians, with Bishop Miller's camp.

However, in a few days Elder Staines learned who his guest was, and, as a favorable opportunity presented itself, said to him:

"Colonel Kane, why did you wish to be introduced to me as Dr. Osborne?"

"My dear friend," replied the Colonel, "I was once treated so kindly at winter quarters that I am sensitive over its memories. I knew you to be a good people then; but since, I have heard so many hard things about you, that I thought I would like to convince myself whether or not the people possessed the same humane and hospitable spirit which I found in them once. I thought, if I go to the house of any of my great friends of Winter Quarters, they will treat me as Thomas L. Kane, with a remembrance of some services which I may have

rendered them. So I requested to be sent to some stranger's house, as 'Dr. Osborne,' that I might know how the Mormon *people* would treat a stranger at such a moment as this, without knowing whether I might not turn out to be either an enemy or a spy. And now, Mr. Staines, I want to know if you could have treated Thomas L. Kane better than you have treated Dr. Osborne."

"No, Colonel," replied Elder Staines, "I could not."

"And thus, my friend." added 'Dr. Osborne,' "I have proved that the Mormons will treat the stranger in Salt Lake City, as they once did Thomas L. Kane at Winter Quarters."

In a few days, under the inspiring spirit and affectionate nursing of his host, Colonel Kane was sufficiently recovered to carry out his design of proceeding to the head quarters of the army (Fort Bridger, then called Camp Scott).

Governor Young's policy had changed it nought, excepting in that which was consistent with the improved situation. The Mormons would receive their new Governor loyally, but would not have him accompanied by an army into their capital; neither would they allow an army to be quartered in any of their cities. The agent of the administration could ask no more nor desire more. It was the basis of a fair compromise, which would give to President Buchanan a plausible out-come, and at the same time maintain the Mormon dignity.

The visit of Colonel Kane to Camp Scott was attended with a chain of circumstances that give to the narration of it a decidedly dramatic cast. At the worst season of the year, in delicate health, he made his way through the almost impassable snows of the mountains, a distance of 113 miles. Arrived on the 10th of March, in the vicinity of the army outposts, he insisted, out of consideration for the safety of his friendly escort, on entering the lines unaccompanied. Reaching the nearest picket post, the over-zealous sentry challenged him, and at the same time fired at him. In return, the Colonel broke the stock of his rifle over the sentry's head. The post being now full arroused and greatly excited, Colonel Kane, with characteristic politeness as well as diplomacy, requested to be conducted to the tent of Governor Cumming. The Governor received him cordially.

The Colonel's diplomacy in seeking the Governor, instead of General Johnston, is evident. His business was not directly with the commander, but with the civil chief, whose *posse commitatus* the troops were. The compromise which Buchanan had to effect, with the utmost delicacy, could only be through the new Governor. and that, too, by his heading off the army sent to occupy Utah.

The General was chagrined. Here was Buchanan withdrawing from a serious blunder as gracefully as possible; but where was Albert Sidney Johnston to achieve either glory or honor out of the Utah war?

Affecting to treat Colonel Kane as a spy, an orderly was sent to arrest him. It was afterwards converted into a blundering execution of the General's invitation to him to dine at head-quarters. The blunder was no doubt an intentional one. Colonel Kane replied by sending a formal challenge to General Johnston.

Governor Cumming could do nothing less than espouse the cause of the "ambassador," who was there in the execution of a mission entrusted to him by the President of the United States. The affair of honor also touched himself.

He resented it with great spirit, extended his official protection to his guest, and from that moment there was an impassable breach between the executive and the military chief. The duel, however, was prevented by the interferance of Chief Justice Eckels, who threatened to arrest all concerned in it if it proceeded further.

The conduct of General Johnston was looked upon by the Mormon leader as very like a bit of providential diplomacy interposed in behalf of his people. With the Governor and the commander of the army at swords' points, the issues of the "war" were practically in the hands of Brigham Young. From that moment he knew that he was master of the situation; and the extraordinary moves that he made thereupon, culminating with the second exodus, shows what a consummate strategist he was, and how complex were his methods of mastering men. He was now not only in command of his own people, who at the lifting of his finger would move with him to the ends of the earth, but substantially dictator both to the Governor and the army. Johnston could only move at the call of the Governor, and was hedged about by the new policy of the President, while this shaping of affairs converted the Mormon militia, then under arms, into the Governor's *posse commitatus*, instead of the regular troops.

The mission of Colonel Kane to the seat of war was to induce the Governor to trust himself through the Mormon lines, under a Mormon escort of honor that would be furnished at a proper point, and to enter immediately upon his gubernatorial duties. The officers remonstrated with the Governor against going to the city without the army, predicting that the Mormons would poison him, or put him out of the way by some other wicked ingenuity; but the camp was now no longer the place for him, and with a high temper and a humane spirit, he trusted himself to the guidance of Colonel Kane.

The Governor left Camp Scott on the 5th of April, *en route* for Salt Lake City, accompanied by Colonel Kane and two servants. As soon as he had passed the Federal lines, he was met by an escort of the Mormon militia, and welcomed as Governor of the Territory with military honors.

On the 12 of April they entered Salt Lake City in good health and spirits, escorted by the mayor, marshal and aldermen, and many other distinguished citizens.

Arrived at the residende of Elder Staines, Governor Young promptly and frankly called npon his successor at the earliest possible moment; and they were introduced to each other by Colonel Kane.

"Governor Cumming, I am glad to meet you!" observed Brigham, with unostentatious dignity, and that quiet heartiness peculiar to him.

"Governor Young, I am happy to meet you, sir!" responded His Excellency warmly, at once impressed by the presence and spirit of the remarkable man before him.

"Well, Governor," said Elder Staines, after the interview was ended, "what do you think of President Young? Does he appear to you a tyrant, as represented?"

"No, sir. No tyrant ever had a head on his shoulders like Mr. Young. He

is naturally a very good man. I doubt whether many of your people sufficiently appreciate him as a leader."

The brethern were apprised of the fact that the officers at Camp Scott had warned the Governor that the Mormons would poison him, so it was contrived that Elder Staines and Howard Egan should eat at the same table with him and partake of the same food. Of course he understood the delicate assurance that "death was not in the pot."

Three days after his entrance into the city, Governor Cumming officially notified General Johnston that he had been properly recognized by the people; that he was in full discharge of his office, and that he did not require the presence of troops.

On his part, ex-Governor Young set the public example, and on the Sunday following introduced him to a large assembly as the Governor of Utah.

Thus successfully ended the mission of Col. Kane, who shortly thereafter returned to Washington, to report in person to the President. Journeying by the overland route, a body-guard of Mormon scouts accompanied him to the Missouri River. It is no more than simple justice to here testify of him, that a more gentle and noble man has rarely been found, and for his disinterested kindness toward the Mormon people they will ever hold his name in honorable and affectionate remembrance.

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## CHAPTER XXIII.

REPORT OF GOVERNOR CUMMING TO THE GOVERNMENT. THE GOVERNMENT RECORDS FOUND NOT BURNED, AS REPORTED BY DRUMMOND. THE MORMON LEADERS JUSTIFIED BY THE FACTS, AND THE PEOPLE LOYAL. GRAPHIC AND THRILLING DESCRIPTION OF THE MORMONS IN THEIR SECOND EXODUS. THE GOVERNOR BRINGS HIS FAMILY TO SALT LAKE CITY. HIS WIFE IS MOVED TO TEARS AT WITNESSING THE HEROIC ATTITUDE OF THE PEOPLE.

Governor Cumming immediately reported the condition of affairs in Utah, and the re-action that it caused in the public mind, both in America and Europe, can well be imagined. It was a new revelation, to the age, of Mormon character and Mormon sincerity. The peculiar people were never understood till then, notwithstanding their previous exodus, for only Missouri and Illinois seemed concerned in their early history and doings; but now that the United States Government was a party in the action, all the world became interested in the extraordinary spectacle of a peculiar, little, unconquerable people, braving the wrath of a mighty nation.

The current events of those days, including the "second exodus," which

was begun in anticipation of a breach of faith, on the part of the United States authorities, in this instance, as in the previous case of the State authorities at Nauvoo, are well recounted in the following report of Governor Cumming, addressed to General Cass, then Secretary of State:

"EXECUTIVE OFFICE, Salt Lake City, U. T., May 2d, 1858.

"SIR: You are aware that my contemplated journey was postponed in consequence of the snow upon the mountains, and in the canyons between Fort Bridger and this city. In accordance with the determination communicated in former notes, I left camp on the 5th, and arrived here on the 12th ult.

"Some of the incidents of my journey are related in the annexed note, addressed by me to General A. S. Johnston, on the 15th ult:"

"EXECUTIVE OFFICE, Salt Lake City, U. T., April 15th, 1858.

"SIR: I left camp on the 5th, en route to this city, in accordance with a determination communicated to you on the 3d inst, accompanied by Colonel Kane as my guide, and two servants. Arriving in the vicinity of the spring, which is on this side of the "Quaking Asp" hill, after night, Indian camp fires were discerned on the rocks overhanging the valley. We proceeded to the spring, and after disposing of the animals, retired from the trail beyond the mountain. We had reason to congratulate ourselves upon having taken this precaution, as we subsequently ascertained that the country lying between your outposts and the 'Yellow Creek' is infested by hostile renegades and outlaws from various tribes."

"I was escorted from Bear River Valley to the western end of Echo Canyon. The journey through the canyon being performed, for the most part, after night, it was about 11 o'clock P. M., when I arrived at Weber Station. I have been everywhere recognized as Governor of Utah; and, so far from having encountered insults or indignities, I am gratified in being able to state to you that, in passing through the settlements, I have been universally greeted with such respectful attentions as are due to the representative authority of the United States in the Territory.

"Near the Warm Springs, at the line dividing Great Salt Lake and Davis counties, I was honored with a formal and respectful reception by many gentlemen including the mayor and other municipal officers of the city, and by them escorted to lodgings previously provided, the mayor occupying a seat in my carriage.

"Ex-Governor Brigham Young paid me a call of ceremony as soon as I was sufficiently relieved from the fatigue of my mountain journey to receive company. In subsequent interviews with the ex-Governor, he has evinced a willingness to afford me every facility I may require for the efficient performance of my administrative duties. His course in this respect meets, I fancy, with the approval of a majority of this community. The Territorial seal, with other public property, has been tendered me by William H. Hooper, Esq., late Secretary *pro tem.*

"I have not yet examined the subject critically, but apprehend that the records of the United States Courts, Territorial Library, and other public property, remain unimpaired.

"Having entered upon the performance of my official duties in this city, it is probable that I will be detained for some days in this part of the Territory.

"I respectfully call your attention to a matter which demands our serious consideration. Many acts of depredation have been recently committed by the Indians upon the property of the inhabitants—one in the immediate vicinity of this city. Believing that the Indians will endeavor to sell the stolen property at or near your camp, I herewith inclose the Brand Book (incomplete) and memoranda (in part) of stock lost by citizens of Utah since February 25th, 1858, which may enable you to secure the property and punish the thieves.

"With feelings of profound regret I have learned that Agent Hart is charged with having incited to acts of hostility the Indians in Uinta Valley. I hope that Agent Hart will be able to vindicate himself from the charges contained in the inclosed letter from William H. Hooper, late Secretary *pro tem.*, yet they demand a thorough investigation.

"I shall probably be compelled to make a requisition upon you for a sufficient force to chastise the Indians alluded to, since I desire to avoid being compelled to call out the militia for that purpose.

"The gentlemen who are intrusted with this note, Mr. John B. Kimball and Mr. Fay Worthen, are engaged in mercantile pursuits here, and are represented to be gentlemen of the highest respectability, and have no connection with the Church here. Should you deem it advisable or necessary, you will please send any communication intended for me by them. I beg leave to commend them to your confidence and courtesy. They will probably return to the city in a few days. They are well known to Messrs. Gilbert, Perry and Burr, with whom you will please communicate.

Very respectfully, your obedient servant,

A. CUMMING,

*Governor Utah Territory.*

*To A. S. Johnston, commanding Army of Utah, Camp Scott, U. T.*

"The note omits to state that I met parties of armed men at Lost Creek and Yellow Creek, as well as at Echo Canyon. At every point, however, I was recognized as the Governor of Utah, and received with a military salute. When it was arranged with the Mormon officers in command of my escort that I should pass through Echo Canyon at night, I inferred that it was with the object of concealing the barricades and other defenses. I was, therefore, agreeably surprised by an illumination in honor of me. The bonfires kindled by the soldiers from the base to the summits of the walls of the canyon, completely illuminated the valley, and disclosed the snow-colored mountains which surrounded us. When I arrived at the next station, I found the 'Emigrant Road' over the 'Big Mountain' still impassable. I was able to make my way, however, down 'Weber Canyon.' Since my arrival, I have been employed in examining the records of the Supreme and District Courts, which I am now prepared to report as being perfect and unimpaired. This will doubtless be acceptable information to those who have entertained an impression to the contrary.

"I have also examined the Legislative Records, and other books belonging to the Secretary or State, which are in perfect preservation. The property re-

turn, though not made up in proper form, exhibits the public property for which W. H. Hooper, late Secretary of State *pro tem.*, is responsible. It is, in part, the same for which the estate of A. W. Babbitt is liable, that individual having died whilst in the office of Secretary of State for Utah.

"I believe that the books and charts, stationery and other property appertaining to the Surveyor-General's office will, upon examination, be found in the proper place, except some instruments, which are supposed to have been disposed of by a man temporarily in charge of the office. I examined the property, but cannot verify the matter in consequence of not having at my command a schedule or property return.

"The condition of the large and valuable Territorial library has also commanded my attention, and I am pleased in being able to report that Mr. W. C. Staines, the librarian, has kept the books and records in the most excellent condition. I will, at an early day, transmit a catalogue of this library, and a schedule of the other public property, with certified copies of the records of the Supreme and District Courts, exhibiting the character and amount of the public business last transacted in them.

"On the 21st inst. I left Salt Lake City, and visited Tooele and Rush Valleys, in the latter of which lies the military reserve selected by Colonel Steptoe, and endeavored to trace the lines upon the ground, from field-notes which are in the Surveyor-General's office. An accurate plan of the reserve, as it has been measured off, will be found accompanying a communication, which I shall address to the Secretary of War, upon the subject.

"On the morning of the 26th inst., information was communicated to me that a number of persons who were desirous of leaving the Territory were unable to do so, and considered themselves to be unlawfully restrained of their liberties. However desirous of conciliating public opinion, I felt it incumbent upon me to adopt the most energetic measures to ascertain the truth or falsehood of this statement. Postponing, therefore, a journey of importance which I had in contemplation to one of the settlements of Utah County, I caused public notice to be given immediately of my readiness to relieve all persons who were, or deemed themselves to be, aggrieved, and on the ensuing day, which was Sunday, requested a notice to the same effect to be read, in my presence, to the people in the tabernacle.

"I have since kept my office open at all hours of the day and night, and have registered no less than 56 men, 38 women and 71 children, as desirous of my protection and assistance in proceeding to the States. The large majority of these people are of English birth, and state that they leave the congregation from a desire to improve their circumstances, and realize elsewhere more money for their labor. Certain leading men among the Mormons have promised them flour, and to assist them in leaving the country.

"My presence at the meeting in the tabernacle will be remembered by me as an occasion of interest. Between three and four thousand persons were assembled for the purpose of public worship; the hall was crowded to overflowing; but the most profound quiet was observed when I appeared. President Brigham Young introduced me by name as the Governor of Utah, and I addressed the

audience from 'the stand.' I informed them that I had come among them to vindicate the national sovereignty; that it was my duty to secure the supremacy of the constitution and the laws; that I had taken my oath of office to exact an unconditional submission on their part to the dictates of the law. I was not interrupted. In a discourse of about thirty minutes' duration, I touched (as I thought best) boldly upon all the leading questions at issue between them and the General Government. I remembered that I had to deal with men embittered by the remembrance and recital of many real and imaginary wrongs, but did not think it wise to withhold from them the entire truth. They listened respectfully to all I had to say—approvingly, even, I fancied—when I explained to them what I intended should be the character of my administration. In fact, the whole character of the people was calm, betokening no consciousness of having done wrong, but rather, as it were, indicating a conviction that they had done their duty to their religion and to their country. I have observed that the Mormons profess to view the constitution as the work of inspired men, and respond with readiness to appeals for its support.

"Thus the meeting might have ended; but, after closing my remarks, I rose and stated that I would be glad to hear from any who might be inclined to address me upon topics of interest to the community. This invitation brought forth in succession several powerful speakers, who evidently exercised great influence over the masses of the people. They harangued on the subject of the assassination of Joseph Smith, Jun., and his friends, the services rendered by the Mormon Battalion to an ungrateful country, their sufferings on 'the Plains' during their dreary pilgrimage to their mountain home, etc. The congregation became greatly excited, and joined the speakers in their intemperate remarks, exhibited more frenzy than I had expected to witness among a people who habitually exercise great self-control. A speaker now represented the Federal Government as desirous of needlessly introducing the national troops into the Territory, 'whether a necessity existed for their employment to support the authority of the civil officers or not;' and the wildest uproar ensued. I was fully confirmed in the opinion that this people, with their extraordinary religion and customs, would gladly encounter certain death rather than be taxed with a submission to the military power, which they considered to involve a loss of honor.

"In my first address I informed them that they were entitled to a trial by their peers; that I had no intention of stationing the army in immediate contact with their settlements, and that the military posse would not be resorted to until other means of arrest had been tried and failed. I found the greatest difficulty in explaining these points, so great was the excitement. Eventually, however, the efforts of Brigham Young were successful in calming the tumult and restoring order before the adjournment of the meeting. It is proper that I should add that more than one speaker has since expressed his regret at having been betrayed into intemperance of language in my presence. The President and the American people will learn with gratification the auspicious issue of our difficulties here. I regret the necessity, however, which compels me to mingle with my congratulations, the announcement of a fact that will occasion great concern.

"The people, including the inhabitants of this city, are moving from every

settlement in the northern part of the Territory. The roads are everywhere filled with wagons loaded with provisions and household furniture, the women and children often without shoes or hats, driving their flocks they know not where. They seem not only resigned but cheerful. 'It is the will of the Lord,' and they rejoice to exchange the comforts of home for the trials of the wilderness. Their ultimate destination is not, I presume, definitely fixed upon. 'Going south,' seems sufficiently definite for the most of them, but many believe that their ultimate destination is Sonora.

"Young, Kimball and most of the influential men have left their commodious mansions, without apparent regret, to lengthen the long train of wanderers. The masses everywhere announce to me that the torch will be applied to every house indiscriminately throughout the country, so soon as the troops attempt to cross the mountains. I shall follow these people and try to rally them.

"Our military force could overwhelm most of these poor people, involving men, women and children in a common fate; but there are among the Mormons many brave men, accustomed to arms and horses; men who could fight desperately as guerrillas; and if the settlements are destroyed, will subject the country to an expensive and protracted war, without any compensating results. They will, I am sure, submit to 'trial by their peers,' but they will not brook the idea of trials by 'juries' composed of 'teamsters and followers of the camp,' nor of an army encamped in their cities or dense settlements.

"I have adopted means to recall the few Mormons remaining in arms, who have not yet, it is said, complied with my request to withdraw from the canyons and eastern frontiers. I have also taken measures to protect the buildings which have been vacated in the northern settlements. I am sanguine that I will save a great part of the valuable improvements there.

"I shall leave this city for the South to-morrow. After I have finished my business there, I shall return as soon as possible to the army, to complete the arrangements which will enable me before long, I trust, to announce that the road between California and Missouri may be traveled with perfect security by trains and emigrants of every description.

"I shall restrain all operations of the military for the present, which will probably enable me to receive from the President additional instructions, if he deems it necessary to give them.

Very respectfully, your obedient servant,

A. CUMMING,

*Governor of Utah.*

*To Hon. Lewis Cass, Secretary of State, Washington, D. C.*

"*To the Senate and House of Representatives:*

"I transmit the copy of a dispatch from Governor Cumming to the Secretary of State, dated at Great Salt Lake City on the 2d of May, and received at the Department of State yesterday. From this there is reason to believe that our difficulties with the Territory of Utah have terminated, and the reign of the Constitution and laws has been restored. I congratulate you on this auspicious event.

"I lost no time in communicating this information and in expressing the opinion that there will be no occasion to make any appropriations for the purpose of calling into service the two regiments of volunteers authorized by the Act of Congress approved on the 7th of April last, 'for the purpose of quelling disturbances in the Territory of Utah, for the protection of supply and emigrant trains and the suppression of Indian hostilities on the frontier.'

"I am the more gratified at this satisfactory intelligence from Utah, because it will afford some relief to the treasury at a time demanding from us the strictest economy; and when the question which now arises upon every appropriation is, whether it be of a character so important and urgent as to brook no delay, and to justify and require a loan, and most probably a tax upon the people to raise the money necessary for its payment.

"In regard to the regiment of volunteers authorized by the same act of Congress to be called into service for the defence of the frontier of Texas against Indian hostilities, I desire to leave this question to Congress, observing, at the same time, that in my opinion, this State can be defended for the present by the regular troops, which have not yet been withdrawn from its limits.

JAMES BUCHANAN.

Washington City, June 10, 1858.

On the 13th of May, Gov. Cumming started for Camp Scott, for the purpose of moving his family to Salt Lake City. Meanwhile the "exodus" had been quietly going forward, and when the Governor returned he only found a few men who had been left in the city to burn it in case the army attempted to quarter there.

The Governor and his wife proceeded to the residence of Elder Staines, whom they found in waiting with a plentiful cold lunch. His family had gone south, and in his garden were significantly heaped up several loads of straw.

The Governor's wife inquired their meaning, and the cause of the silence that pervaded the city. Elder Staines informed her of their resolve to burn the town in case the army attempted to occupy it.

"How terrible!" she exclaimed. "What a sight this is! I never shall forget it! It has the appearance of a city that has been afflicted with a plague. Every house looks like a tomb of the dead! For two miles I have seen but one man in it. Poor creatures! And so all have left their hard-earned homes?"

Here she burst into tears.

"Oh! Alfred (to her husband), something must be done to bring them back! Do not permit the army to stay in the city. Can't you do something for them?"

"Yes, madam," said he, "I shall do all I can, rest assured. I only wish I could be in Washington for two hours; I am persuaded that I could convince the Government that we have no need for troops."

## CHAPTER XXIV.

THE ARRIVAL OF PEACE COMMISSIONERS. EXTRAORDINARY COUNCIL BETWEEN THEM AND THE MORMON LEADERS. A SINGULAR SCENE IN THE COUNCIL. ARRIVAL OF A COURIER WITH DISPATCHES. "STOP THAT ARMY! OR WE BREAK UP THE CONFERENCE." "BROTHER DUNBAR, SING ZION!" THE PEACE COMMISSIONERS MARVEL, BUT AT LAST FIND A HAPPY ISSUE. RETROSPECTIVE VIEW OF THE MORMON ARMY.

The honorable course of Van Vliet, in protesting against an exterminating war upon a religious people, coupled with the guarantee which Colonel Kane had personally given to the Government for the essential loyalty of the Mormons, made the sending of peace commissioners imperative. An example of the right course once set by the noble Kane, President Buchanan hastened to send Governor L. W. Powell, of Kentucky, and Major Ben McCullough, of Texas, to negotiate a peace. They arrived in the city in June, 1858. Wilford Woodruff's Journal contains the following minute of their first council with the Mormon leaders:

"*June 11th.* The Presidency and many others met with the Peace Commissioners in the Council House. Governor Powell, a Senator-elect from Kentucky, and Major McCullough, from Texas, were then introduced to the assembly, as the Peace Commissioners sent by President Buchanan. Governor Powell spoke to the people, and informed us what the President wished at our hands. President Buchanan has sent by them a proclamation, accusing us of treason and some fifty other crimes, all of which charges are false. Yet he pardons us for all these offenses, if we will be subject to the constitution and laws of the United States, and if we will let his troops quarter in our Territory. He pledged himself that they should not interfere with our people, nor infringe upon any city, and said that he had no right to interfere with our religion, faith or practice.

"The Peace Commissioners confirmed the same. They did not wish to enquire into the past at all, but wished to let it all go and talk about the present and the future.

"*Reflections.* President Buchanan had made war upon us, and wished to destroy us because of our religion, thinking that it would be popular, but he found that Congress would not sustain him in it. He has got into a bad scrape, and wishes to get out of it the best he can. Now he wants peace, because he is in the wrong, and has met with a strong resistance from a high-minded people in these mountains, which he did not expect to meet. We are willing to give him peace upon any terms that are honorable; but *not upon terms which are dishonorable to us.* We have our rights and dare maintain them, trusting in God for victory. The Lord has heard our prayers, and the President of the United States has been obliged to ask for peace."

The naivete of Apostle Woodruff, in his idea of giving peace to James Buchanan, is something amusing, yet is there a severe democratic philosophy in it. "He wants peace because he is in the wrong and has met with a strong resistance from a high-minded people," is a passage that any President of the United States might profitably lay under his official pillow, whether in his administration towards a Utah or a Louisiana. But Brother Woodruff's emphatic view that the Mormons could only consent to a peace on honorable terms; with his brave assertion that, "we have our rights, and dare maintain them, trusting in God for victory," has in it a touch of sublimity.

That day also witnessed a striking example of Governor Young's tact and resolution:

The Peace Commissioners had laid their message before the council. Brigham had spoken, as well as the Peace Commissioners. The aspect of affairs was favorable. Presently, however, a well-known character, O. P. Rockwell, was seen to enter, approach the ex-Governor and whisper to him. He was from the Mormon army. There was at once a sensation, for it was appreciated that he brought some unexpected and important news. Brigham arose; his manner self-possessed, but severe.

"Governor Powell, are you aware, sir, that those troops are on the move towards the city?"

"It cannot be!" exclaimed Powell, surprised, for we were promised by the General that they should not move till after this meeting."

"I have received a dispatch that they are on the march for this city. My messenger would not deceive me."

It was like a thunderclap to the Peace Commissioners: they could offer no explanation.

"Is Brother Dunbar present?" inquired Brigham.

"Yes, sir," responded the one called.

What was coming now?

"Brother Dunbar, sing Zion."

The Scotch songster came forward and sang the following soul-stirring lines, by Chas. W. Penrose:

O ye mountains high, where the clear blue sky
Arches over the vales of the free;
Where the pure breezes blow,
And the clear streamlets flow,
How I've longed to your bosom to flee.
O Zion! dear Zion! land of the free,
My own mountain home, now to thee I have come.
All my fond hopes are centered in thee.

Though the great and the wise all thy beauties despise,
To the humble and pure thou art dear;
Though the haughty may smile
And the wicked revile,
Yet we love thy glad tidings to hear.
O Zion! dear Zion! home of the free;
Thou wert forced to fly to thy chambers on high.
Yet we'll share joy or sorrow with thee.

In thy mountain retreat, God will strengthen thy feet;
On the necks of thy foes thou shalt tread,
And their silver and gold,
As their prophets have told,
Shall be brought to adorn thy fair head.
O Zion! dear Zion! home of the free;
Soon thy towers shall shine with a splendor divine,
And eternal thy glory shall be.

Here our voices we'll raise, and we'll sing to thy praise,
Sacred home of the prophets of God;
Thy deliverance is nigh,
Thy oppressors shall die,
And the gentiles shall bow 'neath thy rod.
O Zion! dear Zion! home of the free;
In thy temples we'll bend, all thy rights we'll defend,
And our home shall be ever with thee.

The action of Brigham had been very simple in the case, but there was a world of meaning in it. Interpreted it meant—"Gentlemen, we have heard what President Buchanan and yourselves have said about pardoning us for standing up for our constitutional rights, and defending our lives and liberties. We will consent to a peace on honorable terms; but you must keep faith with us. Stop that army! or our peace conference is ended. Brethren, sing Zion. Gentlemen, you have our ultimatum!"

With the theme before him, the reader will fully appreciate what the singing of "Zion" meant. There have been times when the singing of that hymn by the thousands of saints has been almost as potent as that revolutionary hymn of France—the Marsellaise. This was such a time.

After the meeting McCullough and Governor Cumming took a stroll together for the purpose of chatting upon the affairs of the morning.

"What will you do with such a people?" asked the Governor, with a mixture of admiration and concern.

"D——n them! I would fight them if I had my way," answered McCullough.

"Fight them, would you? You might fight them but you would never whip them. They would never know when they were whipped! Did you notice the snap in those men's eyes to-day? No, sir; they would never know when they were whipped!"

At night the Peace Commissioners and the Mormon leaders were again in council, in private session, until ten o'clock.

Next morning, at nine o'clock, the conference again convened, and the doors were thrown open to the public. Elders John Taylor, George A. Smith and Adjt.-Gen. James Ferguson gave expression to their views and feelings, and then President Young spoke at some length, with a will and a purpose in every word. Woodruff, in his journal, says:

"Then the Peace Commissioners heard the roar of the "lion of the Lord."

The following brief synopsis of his speech, furnished by one present, will give the reader an idea of what the "roar of the lion of the Lord" was at that critical moment, when the issue of peace or war was pending:

President Young arose. He said: "I have listened very attentively to the commissioners, and will say, as far as I am concerned, I thank President Buchanan for forgiving me, but I really cannot tell what I have done. I know one thing, and that is, that the people called 'Mormons' are a loyal and a law-abiding people, and have ever been. Neither President Buchanan nor any one else can contradict the statement. It is true, Lot Smith burned some wagons containing Government supplies for the army. This was an overt act, and if it is for this we are to be pardoned, I accept the pardon. The burning of a few U. S. wagons is but a small item, yet for this, combined with false reports, the whole Mormon people are to be destroyed.

"What has the United States Government permitted mobs to do to us? Gentlemen, you cannot answer that question! I can, however, and so can thousands of my brethren. We have been whipped and plundered; our houses burned, our fathers, mothers, brothers, sisters and children butchered and murdered by the scores. We have been driven from our homes time and time again; but have troops ever been sent to stay or punish those mobs for their crimes? No! Have we ever received a dollar for the property we have been compelled to leave behind? Not a dollar! Let the Government treat us as we deserve; this is all we ask of them. We have always been loyal, and expect to so continue; but, *hands off!* Do not send your armed mobs into our midst. If you do, we will fight you, as the Lord lives! Do not threaten us with what the United States can do, for we ask no odds of them or their troops. We have the God of Israel —the God of battles—on our side; and let me tell you, gentlemen, we fear not your armies. I can take a few of the boys here and, with the help of the Lord, can whip the whole of the United States. These, my brethren, put their trust in the God of Israel, and have no fears. We have proven him, and he is our friend. Boys, how do you feel? Are you afraid of the United States? (Great demonstration among the brethren.) No! No! We are not afraid of man, nor of what he can do.

"The United States are going to destruction as fast as they can go. If you do not believe it, gentlemen, you will soon see it to your sorrow. It will be with them like a broken potsherd. Yes, it will be like water spilled on the ground; no more to be picked up.

"Now let me say to you Peace Commissioners, we are willing those troops should come into our country, but not to stay in our city. They may pass through it, if needs be, but must not quarter less than forty miles from us.

"If you bring your troops here to disturb this people, you have got a bigger job than you or President Buchanan have any idea of. Before the troops reach here, this city will be in ashes, every tree and shrub will be cut to the ground, and every blade of grass that will burn shall be burned.

"Our wives and children will go to the canyons, and take shelter in the mountains; while their husbands and sons will fight you; and, as God lives, we will hunt you by night and by day, until your armies are wasted away. No mob can live in the homes we have built in these mountains. That's the programme, gentlemen, whether you like it or not. If you want war you can have it; but, if you wish peace, peace it is; we shall be glad of it."

The Commissioners "wished peace;" and the result of their negotiations was embodied in the following note to General Johnston:

"GREAT SALT LAKE CITY, Utah Ter.,
June 12th, 1858.

"DEAR SIR: We have the pleasure of informing you that after a full and free conference with the chief men of the Territory, we are informed by them that they will yield obedience to the Constitution and laws of the United States; that they will not resist the execution of the laws in the Territory of Utah; that they cheerfully consent that the civil officers of the Territory shall enter upon the discharge of their respective duties, and that they will make no resistance to the army of the United States in its march to the valley of Salt Lake or elsewhere. We have their assurance that no resistance shall be made to the officers, civil or military, of the United States, in the exercise of their various functions in the Territory of Utah.

"The houses, fields and gardens of the people of this Territory, particularly in and about Salt Lake City, are very insecure. The animals of your army would cause great destruction of property if the greatest care should not be observed in the march and the selection of camps. The people of the Territory are somewhat uneasy for fear the army, when it shall reach the valley, will not properly respect their persons and property. We have assured them that neither their persons nor property will be injured or molested by the army under your command.

"We would respectfully suggest, in consequence of the feeling of uneasiness, that you issue a proclamation to the people of Utah, stating that the army under your command will not trespass upon the rights or property of peaceable citizens during their sojourn in or march through the Territory. Such a proclamation would greatly allay the existing anxiety and fears of the people, and cause those who have abandoned their homes to return to their houses and farms.

"We have made inquiry about grass, wood, etc., necessary for the subsistence and convenience of your army. We have conversed with Mr. Ficklin [U. S. deputy marshal] fully on this subject, and given him all the information we have, which he will impart to you.

"We respectfully suggest that you march to the valley as soon as it is convenient for you to do so.

"We have the honor to be, very respectfully, your obedient servants,

L. W. POWELL,
BEN McCULLOUGH,
*Commissioners to Utah.*

"*To General A. S. Johnston, commanding Army of Utah, Camp Scott, U. T.*"

To this came the following reply:

"HEADQUARTERS, DEPARTMENT OF UTAH,
Camp on Bear River, June 14th, 1858.

"GENTLEMEN: Your communication from Salt Lake City was received today. The accomplishment of the object of your mission entirely in accordance with the instructions of the President, and the wisdom and forbearance which you

have so ably displayed to the people of the Territory, will, I hope, lead to a more just appreciation of their relations to the General Government, and the establishment of the supremacy of the laws. I learn with surprise that uneasiness is felt by the people as to the treatment they may receive from the army. Acting under the two-fold obligations of citizens and soldiers, we may be supposed to comprehend the rights of the people, and to be sufficiently mindful of the obligations of our oaths, not to disregard the laws which govern us as a military body. A reference to them will show with what jealous care the General Government has guarded the rights of citizens against any encroachments. The army has duties to perform here in execution of the orders of the Department of War, which, from the nature of them, cannot lead to interference with the people in their varied pursuits; and if no obstruction is presented to the discharge of those duties, there need not be the slightest apprehension that any person whatever will have any cause of complaint.

"The army will continue its march from this position on Thursday, 17th instant, and reach the valley in five days. I desire to encamp beyond the Jordan on the day of arrival in the valley.

With great respect, your obedient servant,

A. S. JOHNSTON,

"*Colonel Second Cavalry and Brevet Brigadier-General United States Army, Commanding.*

"*To the Hon. L. W. Powell and Major-General McCullough, United States Commissioners to Utah.*"

Although a minute statement of the Mormon military force and the methods by which it was turned to good account in the "Utah war," might be of interest to many, it will doubtless satisfy the general reader to simply know that only so much of that force was used as was necessary to effectively carry out President Young's policy, *i. e.*, to harass and retard the advance of the U. S. army until a more peaceful solution of the question at issue could be reached. In the execution of that policy an effective body of scouts was sent forward, with orders of which the following is a sample, which orders were scrupulously obeyed and executed with precisely the results desired:

"On ascertaining the locality or route of the troops, proceed at once to annoy them in every possible way. Use every exertion to stampede their animals, and set fire to their trains. Burn the whole country before them and on their flanks. Keep them from sleeping by night surprises. Blockade the road by felling trees, or destroying the fords when you can. Watch for opportunities to set fire to the grass on their windward, so as, if possible, to envelop their trains. Leave no grass before them that can be burned. Keep your men concealed as much as possible, and guard against surprise."

They were also ordered to not "shed blood" if it could possibly be avoided, and then only and strictly in self-defence. Although often fired upon by the soldiers, in no single instance did they return the fire.

## CHAPTER XXV.

REFLECTIONS UPON THE "UTAH WAR." THE REACTION. CURRENT OPINION, AS EXPRESSED BY THE LEADING JOURNALS OF EUROPE AND AMERICA.

That the Mormons would have fought; that they would, in the language of their leader, have made a "Moscow of Utah, and a Potter's Field of every canyon," had the United States pushed the issue to extermination, there can be little doubt, knowing how terribly so large a number as 75,000 or 80,000 earnest religionists could have avenged themselves, at that day, in those far-off mountains and valleys.

But the opinion expressed to Van Vliet, relative to the reaction which would come in the public mind over Utah affairs, and his fixed resolve, if possible, to prevent the shedding of blood, as declared in that conversation, and still more emphatically pronounced in all his orders to Lieut.-Gen. Wells, best denote what was Brigham's policy and first desire. True, it had been as much as he could do to keep his people from fighting the "enemy," notwithstanding the "enemy" was the United States. A quarter of a century's injustice had fired them with an indignation that made them feel a superhuman strength. But though the founder of Utah had resolved to conquer the issue, he had no wish to lose the nucleus of a nationality which his people had evolved in their isolation.

Why then this second exodus? Why! It was the very backbone of Brigham's triumph. As great a triumph was in that exodus as in any battle the great Napoleon ever fought. It was in fact the exodus which forced the "reaction." It carried such an overwhelming power that it became like an irresistible impulse in the public mind. Not only was this so with the American people, but it was so with every nation in Europe. Deep sympathy, blended with a mighty admiration, was felt for a people who could at once dare a war with the United States, in defence of their religious cause, and rise to such a towering heroism as to sanctify their act by a universal offering of their homes for sacrifice. This was no common rebellion. These were no unworthy rebels. No rude defiers of "the powers that be" were they: their act placed them on a level with the men who won the independence of America: their women were fitting mates of the mothers, daughters and sisters of the revolution.

The *London Times* called the Mormons a nation of heroes. It said:

"The intelligence from Utah is confirmatory of the news that came by the last steamer. This strange people are again in motion for a new home, and all the efforts of Governor Cumming to induce the men to remain and limit themselves to the ordinary quota of wives have been fruitless. We are told that they have left a deserted town and deserted fields behind them, and have embarked for a voyage, over 500 miles of untracked desert, to a home, the locality of

which is unknown to any but their chiefs. Does it not seem incredible that, at the very moment when the marine of Great Britain and the United States are jointly engaged in the grandest scientific experiments that the world has yet seen, 30,000 or 40,000 natives of these countries, many of them of industrious and temperate habits, should be the victims of such arrant imposition? Does it not seem impossible that men and women, brought up under British and American civilization, can abandon it for the wilderness and Mormonism? There is much that is noble in their devotion to their delusions. They step into the waves of the great basin with as much reliance on their leaders as the descendants of Jacob felt when they stepped between the walls of water in the Red Sea. The ancient world had individual Curiatii, Horatii, and other examples of heroism and devotion; but these western peasants seem to be a *nation* of heroes, ready to sacrifice everything rather than surrender one of their wives, or a letter from Joe Smith's golden plates."

The following from the New York *Times* will give a specimen of what the American press generally said upon the subject:

"Whatever our opinions may be of Mormon morals or Mormon manners, there can be no question that this voluntary abandonment by 40,000 people of homes created by wonderful industry, in the midst of trackless wastes, after years of hardships and persecution, is something from which no one who has a particle of sympathy with pluck, fortitude and constancy can withhold his admiration. Right or wrong, sincerity thus attested is not a thing to be sneered at. True or false, a faith to which so many men and women prove their loyalty, by such sacrifices, is a force in the world. After this last demonstration of what fanaticism can do, we think it would be most unwise to treat Mormonism as a nuisance to be abated by a *posse commitatus*. It is no longer a social excresence to be cut off by the sword; it is a power to be combated only by the most skillful political and moral treatment. When people abandon their homes to plunge with women and children into a wilderness, to seek new settlements, they know not where, they give a higher proof of courage than if they fought for them. When the Dutch submerged Holland, to save it from invaders, they had heartier plaudits showered upon them than if they had fertilized its soil with their blood. We have certainly the satisfaction of knowing that we have to deal with foemen worthy of our steel. * * * If the conduct of the recent operations has had the effect of strengthening their fanaticism, by the appearance of persecution, without convincing them of our good faith and good intentions, and worse still, has been the means of driving away 50,000 of our fellow-citizens from fields which their labor had reclaimed and cultivated, and around which their affections were clustered, we have something serious to answer for. Were we not guilty of a culpable oversight in confounding their persistent devotion with the insubordination of ribald license, and applying to the one the same harsh treatment which the law intends for the latter alone? Was it right to send troops composed of the wildest and most rebellious men of the community, commanded by men like Harney and Johnston, to deal out fire and sword upon people whose faults even were the result of honest religious convictions? Was it right to allow

Johnston to address letters to Brigham Young, and through him to his people, couched in the tone of an implacable conqueror towards ruthless savages? Were the errors which mistaken zeal generates ever cured by such means as these? And have bayonets ever been used against the poorest and weakest sect that ever crouched beyond a wall to pray or weep, without rendering their faith more intense, and investing the paltriest discomforts with the dignity of sacrifice? * * * We stand on the vantage ground of higher knowledge, purer faith and acknowledged strength. We can afford to be merciful. At all events, the world looks to us now for an example of political wisdom such as few people, now-a-days, are called on to display. Posterity must not have to acknowledge with shame that our indiscretion, or ignorance, or intolerance drove the population of a whole State from house and home, to seek religious liberty and immunity from the presence of mercenary troops, in any part of the continent to which our rule was never likely to extend."

*Reynolds' Newspaper*, in an editorial written specially to represent the British Republicans, views of the Mormon community in their great struggle for their religious and social liberties, gave the following strong passages:

"It may be that Mormonism has originated in imposture, and that many, if not all, of its peculiar rites and customs are the 'abomination of desolation.' Let this point, though not yet proved, be conceded; still, the social and political problem is by no means solved. After we have demonstrated the fabulousness of the gold tablets, convicted Joseph Smith of all sorts of possible and impossible scoundrelisms, and proved his followers to be a mixed multitude of the gravest knaves and idiots that ever walked the earth, Mormonism still remains a great human fact — perhaps the greatest — certainly the most wonderful fact of this nineteenth century. As such, it is entitled to our earnest and respectful consideration.

* * * * * * * * *

"There can be no doubt that, in one thing at least, Mormonism has been eminently successful. It has, in the great majority of instances, really improved the earthly condition of those who have embraced it. More than this, it has inspired with hope and with courage thousands of despairing and heart broken wretches, who, prior to their conversion, seemed abandoned of God and man. This new faith has, so to speak, created a soul under the ribs of death. It has given to thousands of once destitute and despised Englishmen something to live for, to fight for, and, if need be, to die for. On this ground, then, were it for nothing else, the Mormons, not as fanatics or sectaries, but as heavily-oppressed, long-suffering, and earnestly struggling men, are entitled to the sympathy of the enslaved classes throughout the world.

"But they have a claim to something more than sympathy. Their heroic endurance and marvellous achievements entitle them to the respect and admiration of their fellow-creatures. Twice were the Mormons driven from their settlements in the United States before they had resolved upon their stupendous pilgrimage to the Valley of the Salt Lake. How that gigantic journey was accomplished; how a thousand miles of untrodden desert—untrodden, save by the

wild beast or wilder Indian, where death in a hundred forms had to be encountered and defied—had to be traversed; how the poor, hungered, and toil-worn, but still dauntless pilgrims reached their destination; how they built a city, founded a civil and ecclesiastical polity; how law and order were established; how skill and industry converted barren wastes into fruitful fields, howling forests into smiling gardens, until, under the talismanic wand of Labor, the wilderness was made to blossom as the rose, how their missionaries were employed with startling success in every European country; and how many thousands of the down-trodden and penury-stricken victims of European tyranny were leaving the land of their birth, in order to find in the Mormon territory, that hope and encouragement denied to them in their native countries;—how all this has been accomplished by the reviled followers of Joseph Smith, all Europe and America have heard, and, though hating, admired."

The famous African explorer, Captain Burton, of the British army, closing his description of the great man who took his people successfully through that crisis, gives us the following suggestive passage in his "City of the Saints:"

"Such is His Excellency, President Brigham Young, 'Painter and Glazier' (his earliest craft), prophet, revelator, translator and seer; the man who is revered as king or kaiser, pope or pontiff, never was; who, like the old man of the mountain, by holding up his right hand could cause the death of any man within his reach; who, governing as well as reigning, long stood up to fight with the sword of the Lord, and with his few hundred guerrillas, against the then mighty power of the United States; who has outwitted all diplomacy opposed to him; and, finally, who made a treaty of peace with the President of the great Republic, as though he had wielded the combined power of France, Russia and England."

Substantially, the word of Brigham Young was fulfilled, in that he had said an invading army should not enter the city.

General Johnston and his army came not as conquerers into Zion. The entire chain of circumstances, from the start of their expedition, had been most humiliating to the brave men who deserved better service. Their march had been but a series of disasters and failures.

They were merely permitted to pass through the streets of Salt Lake City on their way to a location in the Territory well removed from the Mormon people. Zion was a forsaken city that day. The Saints were still south with their great leader. If faith was not kept with them they did not intend to return, and war would have been re-opened in deadly earnest.

It was a sad spectacle to see a community of earnest religionists who could not trust in the parent power, even after the proclamation of the President. But the history of the Mormons in their minds to this hour shows a constant justification of this lack of confidence.

On the 13th of June, the army commenced its movement towards the city; and, on the morning of the 26th, it might have been seen advancing from the mouth of Emigration Canyon to make what once was expected to have been a triumphal entrance into conquered Zion, with all "the pomp and circumstance

of glorious war." Here is a picture of it as it was, from the pen of an army correspondent:

"It was one of the most extraordinary scenes that have occurred in American history. All day long, from dawn until after sunset, the troops and trains poured through the city, the utter silence of the streets being broken only by the music of the military bands, the monotonous tramp of the regiments, and the rattle of the baggage wagons. Early in the morning, the Mormon guards had forced all their fellow religionists into the houses, and ordered them not to make their appearance during the day. The numerous flags that had been flying from staffs on the public buildings during the previous week were all struck. The only visible groups of spectators were on the corners near Brigham Young's residence, and consisted almost entirely of Gentile civilians. The stillness was so profound that during the intervals between the passage of the columns, the monotonous gurgle of the City Creek struck on every ear. The Commissioners rode with the General's staff. The troops crossed the Jordan and encamped two miles from the city, on a dusty meadow by the river bank."

But the army correspondent did not properly construe the death-like stillness and desertion of the city, when he says the Mormon guard had "forced all their fellow religionists into their houses." They were not in their houses, but in the second exodus. It is estimated that there were no less than 30,000 of the Mormon people from the city and northern settlements in "the move south." They took with them their flocks and herds, their chattels and furniture. When that army marched through the streets of Zion, grass was growing on the side walks, and there were only a few of "the boys" left on the watch in the city, to see that the people were not betrayed. Some of the officers were deeply moved by the scene and the circumstances. Lieutenant Colonel Philip St. George Cooke, who had commanded the Mormon battalion in the Mexican war, rode through the city with uncovered head, leading the troops, but forgetting not his respect for the brave Mormon soldiers who had so nobly served with him in their country's cause.

Cedar Valley, forty miles west of the city, was chosen as their permanent camping place, which was named Camp Floyd, in honor of the then Secretary of War.

## CHAPTER XXV.

GOVERNOR CUMMING PLEADS WITH THE SAINTS. THEY RETURN TO THEIR HOMES. THE JUDGES. CRADLEBAUGH'S COURT. HE CALLS FOR TROOPS. PROVO CITY INVADED BY THE ARMY. CONSPIRACY TO ARREST BRIGHAM YOUNG. GOVERNOR CUMMING ORDERS OUT THE UTAH MILITIA TO REPEL INVASION. TIMELY ARRIVAL OF A DISPATCH FROM GOVERNMENT STAYS THE CONFLICT. ATTORNEY-GENERAL BLACK'S REBUKE TO THE JUDGES. GENERAL JOHNSTON'S FRIENDS DEMAND THE REMOVAL OF GOVERNOR CUMMING. THE SITUATION RECOVERED BY THE PATRIOTISM OF THOMAS L. KANE. DIVISION IN THE CABINET. PARALLEL OF THE BLAINE REMINISCENCE OF JERE S. BLACK.

Return we now to the Saints in their flight. It had taxed their faith and their means to an absolute consecration of their all, and called forth as much religious heroism as did their first exodus from Nauvoo. Gallant old Governor Cumming was almost distracted over this Mormon episode. He was not used to the self-sacrifices and devotion of the peculiar people whom he had taken under his official guardianship. They were more familiar than he with this part of their eventful drama. Familiarity had bred in them a kind of contempt for their own sufferings and privations. So they witnessed their new Governor's concern for them with a stoical humor. They were, indeed, grateful, but amused. They could not feel to deserve his pity, yet were they thankful for his sympathy. They sang psalms by the wayside. He felt like strewing their path with tears. He followed them fifty miles south, praying them, as would a father his wayward children, to turn back. But the father whom they knew better was leading them on.

"There is no longer danger. General Johnston and the army will keep faith with the Mormons. Every one concerned in this happy settlement will hold sacred the amnesty and pardon of the President of the United States! By G——d, sirs, Yes."

Such was the style of Governor Cumming's pleadings with the "misguided" Mormons. But Brigham replied with a quiet fixedness of purpose:

"We know all about it, Governor. We remember the martyrdoms of the past! We have, on just such occasions, seen our disarmed men hewn down in cold blood, our virgin daughters violated, our wives ravished to death before our eyes. We know all about it, Governor Cumming."

It was a terrible logic that thus met the brave meditation of the fine old Georgian successor of Governor Young, who coupled patriotism with humanity, and believed in the primitive faith that American citizens and American homes must be held sacred.

Brigham Young alone could turn the tidal wave, and lead back the Mormon people to their homes. Had he continued onward to Sonora, Central America, anywhere—to the ends of the earth—this people would have followed him.

The Mormon leaders, with the body of the Church, were at Provo on the evening of the 4th of July; General Johnston and his army being about to take up their quarters at Camp Floyd. It was on that evening that Governor Cumming informed his predecessor that he should publish a proclamation to the Mormons for their return to their homes.

"Do as *you* please, Governor Cumming," replied Brigham, with a quiet smile. "To-morrow I shall get upon the tongue of my wagon, and tell the people that *I* am going home, and they can do as *they* please."

On the morning of the 5th, Brigham announced to the people that he was going to start for Salt Lake City; they were at liberty to follow him to their various settlements, as they pleased. In a few hours nearly all were on their homeward march.

But scarcely had the people returned to their homes, ere they had abundant proof how much they could have trusted a united Federal power, in an anti-Mormon crusade, with an army at its service to subvert the civil and religious liberties of the people.

The machinery of the Federal power was soon set in motion. Chief Justice Eckles took up his quarters at Camp Floyd; Associate Justice Sinclair was assigned to the district embracing Salt Lake City; and Associate Justice Cradlebaugh was assigned to the judicial supervision of all the southern settlements; and Superintendent of Indian Affairs, Jacob Forney, and Alexander Wilson, U. S. District Attorney, entered upon the discharge of their duties.

The Governor from the beginning assumed a pacific attitude, in which he was seconded by Superintendent Forney and District-Attorney Wilson. But the three Judges, in concert with the Marshal, united in the prosecution of past offences that had naturally arisen out of the condition of the hostility, just brought to a happy and peaceful issue.

Judge Sinclair convened the First, now the Third Judicial District Court in Great Salt Lake City in November, 1858, and in his charge to the Grand Jury he urged the prosecution of the leading men of the Territory for *treason*, for intimidation of the courts, and for polygamy. President Buchanan's pardon, the Judge admitted, was "a public fact in the history of the country," but "like any other deed, it ought to be brought judicially by plea, motion or otherwise." In fine, Judge Sinclair wanted to bring before his court ex-Governor Young, Lieut.-General Daniel H. Wells, and the leading Mormons generally, especially the Apostles, "to make them admit that they had been guilty of treason, and make them humbly accept from him the President's clemency." So explains Mr. Stenhouse. But it was something more radical and serious than a vainglorious effort to humble Utah to the footstool of a Federal Judge. It was an attempt to reopen in the courts the entire conflict which had so nearly come to the issue of war. U. S. District Attorney Wilson, however, would not present to the jury bills of indictment for treason, pleading that the Commissioners had presented

the pardon, and the people had accepted it, and the Governor had proclaimed that peace was restored to the Territory.

"But the young Judge," relates Mr. Stenhouse, "was more successful in his efforts to bring forward the charge of intimidating the courts. It could not be expected that the charge to the jury on polygamy would secure much attention. It was regarded little better than a grand farce to ask a Mormon jury to find indictments against their brethren for polygamy. The term of Judge Sinclair's judicial service was a failure, only memorable for one thing—he sentenced the first white man who was ever hanged in Utah, and he was a Gentile, to be executed *on a Sunday!* Of course, the day had to be changed."

But the most extraordinary judicial action, and that which continues the historical thread of those times, was in the important district assigned to Judge Cradlebaugh. The criminal cases which he sought to investigate were those commonly known as the Potter and Parrish murders at Springville, and the Mountain Meadows Massacre in Southern Utah. On the 8th of March, 1859, at Provo, Judge Cradlebaugh delivered an extraordinary address to the Grand Jury, and commenced extraordinary proceedings, which in their sequel nearly made Salt Lake City the seat of actual war between Johnston's troops and the Utah militia under Governor Cumming, and which was barely prevented by the timely interference of the General Government. The history of Salt Lake City, however, cannot follow in detail the entire history of Utah, only so far as its subject and action find therein its proper centre of unity. Suffice here to mark that Judge Cradlebaugh in his investigations and prosecutions aimed chiefly to implicate the leaders of the Mormon Church in all the criminal offenses and deeds of violence done within the Territory. In summing up the evidence in the case of the murders at Springville, the Judge concluded with the following address:.

"Until I commenced the examination of the testimony in this case, I always supposed that I lived in a land of civil and religious liberty, in which we were secured by the Constitution of our country the right to remove at pleasure from one portion of our domain to another, and also that we enjoyed the privilege of worshipping God according to the dictates of our own conscience. But I regret to say, that the evidence in this case clearly proves that, so far as Utah is concerned, I have been mistaken in such supposition. Men are murdered here: coolly, deliberately, premediatatedly murdered—their murder is deliberated and determined upon by the church council-meetings, and that, too, for no other reason than that they had apostatized from your church, and were striving to leave the Territory.

"You are the tools, the dupes, the instruments of a tyrannical church despotism. The heads of your church order and direct you. You are taught to obey their orders and commit these horrid murders. Deprived of your liberty you have lost your manhood, and become the willing instruments of bad men.

"I say to you it will be my earnest effort, while with you, to knock off your ecclesiastical shackles and set you free."

It is easily to be seen that with such a grand jury, charged in this manner by such a judge, it was impossible to accomplish the ends of justice;—equally im-

possible whether they had been "the willing instruments" of a "tyrannical church," or a grand jury of honest, innocent men.

In the course of one of these prosecutions, Judge Cradlebaugh made a requisition upon General Johnston for troops to act as protection to certain witnesses, and also, in the absence of a jail, to serve as a guard over the prisoners. The mayor of Provo (Kimball Bullock) protested that the presence of the military was an infringement upon the liberties of his fellow-citizens; but the judge answered that he had well considered the request before he had made it. A petition was sent to Governor Cumming, and he asked General Johnston to withdraw the troops, asserting that the court had no authority to call for the aid of the military, except through him. The judges interpreted General Johnston's instructions from the War Department adversely to the statement of the Governor, and the troops were continued at Provo. On the 27th of March (1859), the Governor issued a proclamation protesting against the continuance of the troops at Provo, taking open ground against the action of the military commander.

About this time was concocted a conspiracy to arrest Brigham Young. It was proposed that a writ be issued for his apprehension. The officers entrusted with its execution presented themselves at the Governor's office, to request his co-operation. But Governor Cumming stoutly resisted the attempted outrage. He himself afterwards thus related this conspiracy to arrest his predecessor:

"They had 'got the dead wood on Brigham Young this time,' so they said, as they unfolded to me their plans. If Brigham resisted, General Johnston's artillery was to make a breach in the wall surrounding his premises, and they would take him by force and carry him to Camp Floyd.

"I listened to them, sir, as gravely as I could, and examined their papers. They rubbed their hands and were jubilant; they 'had got the dead wood on Brigham Young!' I was indignant, sir, and told them, 'by G—d, gentlemen, you can't do it! When you have a right to take Brigham Young, gentlemen, you shall have him without creeping through walls. You shall enter through his door with heads erect as become representatives of your government. But till that time, gentlemen, you can't touch Brigham Young while I live, by G—d!'"

"Such was the story," says Stenhouse, "told by the Governor to the author a few years later, and as he related it all the fire of his nature was depicted on his countenance and told unmistakably that he would have made good every word with his life."

The officers returned to Camp Floyd discomfited, and immediately the news was circulated that General Johnston would send two regiments of troops and a battery of artillery to enforce the writ for the apprehension of Brigham.

The New York *Herald* of date May 25, 1859, gave to the country a graphic picture of affairs in Utah at that moment:

OUR SALT LAKE CITY CORRESPONDENCE.

"GREAT SALT LAKE CITY, U. T., April 23, 1859.

"In my last letter I informed you of the threat of Judge Sinclair that he would hold court in this city during May, with three-fourths of the army now at

Camp Floyd, quartered in Union Square, ready to carry out his orders. The apprehension of a collision which that threat inspired measurably died away in the bosoms of the people generally, and the youthful judge was beginning to get credit for idle braggadocia, and his tongue was regarded as having only divulged what was in his heart to do, if he only could get the chance; but, alas! the day after the departure of the last mail from here, rumors of his intentions were in circulation at Camp Floyd, which leaves us no reason to doubt that his threat was no idle boast, but is in reality the fixed determination of his heart, to lead to a collision between the citizens and the troops. Of this Governor Cumming is apparently fully convinced, as also the other officials outside of the judicial clique. By the departure of the next mail, plans will be better developed, if not even then carried into execution, or at least attempted; and should you then hear of the eagerly-sought-for collision having taken place, it can be witnessed that we have not sought it, but that it is the deep-laid scheme of sutlers, degraded judges, and disappointed officers of our great republican army, for the sake of perishable gold, gratification of personal revenge, and the empty glory of swords to be crimsoned with the blood of fellow-citizens, who so love the liberty bequeathed to them by illustrious sires that they will fight for its maintenance, though their homes should be made desolate and their wives and children left without protectors in the land of freemen's inheritance.

"An express from Camp Floyd arrived here on Sunday night with the intelligence that two regiments were coming to the city to make arrests, and it was expected that they would have orders for forced marches, to come in upon us unawares. *Immediately on Governor Cumming being made acquainted with the report and circumstances, which leave no room to doubt of the plans of the judges, he notified General D. H. Wells to hold the militia in readiness to act on orders. By two o'clock on Monday morning five thousand men were under arms.* Had the United States' troops attempted to enter the city, the struggle must have commenced, for the Governor is determined to carry out his instructions. What has deferred their arrival here we know not; but now that this plan is known, a watchful eye is kept on the camp, and the shedding of blood seems inevitable. We have confidence in the overruling care of our heavenly Father; and whatever does take place, will eventually turn out for good.

"Major —— told me yesterday that General Johnston was resolved to carry out his orders, and he affirms that they are to use the military on the requisition of the judges, and not on the requisition of the Governor only. I have just learned that 500 soldiers were on the march to Sanpete settlement to arrest persons there whom the judges are seeking after. The judicial-military-inquisitorial farce played at Provo satisfies everybody that it is not violated justice that seeks redress, but the madness of men drunken with whisky and vengeance, that seek satiety in blood. There is not an official in any settlement outside this city but what expects to be handled as were those at Provo; and the only safety they have from judicial vengeance—not personal, but vengeance against the community—is in flight to the mountains. In the south, where the weather has been excellent for early agricultural operations this spring, the fields have been left uncultivated, and the seed that should be fructifying in the soil is still lying in the barn,

the end of which must be famine; for unless the Governor has power to restrain the judges from calling the military to act as a *posse comitatus*, no man of any influence will trust himself at home. We fear no judge of the United States. The Supreme Judge of all we fear, and in His fear we live, and earthly tribunals have no terror for us: but the insolence of men like Cradlebaugh and Sinclair and the despotism of their military aids drive the iron to our souls. The very latest news now in circulation in the city is that the judges have hired the Indians to scour the mountains in search of the persons that the Marshal and military have been unable to discover at home. What next? Shall a price be offered the red men of the forest for the scalps of our citizens? Oh, my God! what shall we be driven to? My heart sickens at the outrages to which we have been subjected, and I dread the future. Nothing shall be done on our part to hasten hostilities; but if it is impossible to avoid them, the responsibility is theirs.

"Governor Cumming has no disposition, nor has this community any, to screen any man or men from the punishment due for any crime or misdemeanor they may be accused of; but he will not suffer military terrorism to reign in the Territory over which he is Governor, and we are to a man ready to sustain him. We appeal to the American nation, and ask any man whose soul is not absorbed with the acquisition of perishable pelf only, what can we do more than we have done to preserve peace? and what course is open to us but to defend our rights as citizens of the Union?"

Happily at this juncture an official letter from Washington decided that the military could only be used as a *posse* on a call from the Governor. This communication from the U. S. Attorney-General is a valuable historical review of Utah affairs at that juncture, by the U. S. Government itself:

"ATTORNEY-GENERAL'S OFFICE, May 17, 1859.

"GENTLEMEN—The President has received your joint letter on the subject of the military force with which the Court for the Second District of Utah was attended during the term recently held at Provo City. He has carefully considered it, as well as all other advices relating to the same affair, and he has directed me to give you his answer.

"The condition of things in Utah made it extremely desirable that the Judges appointed for that Territory should confine themselves strictly within their own official sphere. The Government had a district attorney, who was charged with the duties of a public accuser, and a marshal, who was responsible for the arrest and safe-keeping of criminals. For the judges there was nothing left except to hear patiently the causes brought before them, and to determine them impartially according to the evidence adduced on both sides. It did not seem either right or necessary to *instruct* you that these were to be the limits of your interference with the public affairs of the Territory; for the Executive never dictates to the Judicial department. The President is responsible only for the appointment of proper men. You were selected from a very large number of other persons who were willing to be employed on the same service, and the choice was grounded solely on your high character for learning, sound judgment, and integrity. It

was natural, therefore, that the President should look upon the proceedings at Provo with a sincere desire to find you in all things blameless.

"It seems that on the 6th of March last, Judge Cradlebaugh announced to the commanding officer of the military forces that on the 8th day of the same month he would begin a term of the District Court at Provo, and required a military guard for certain prisoners, to the number of six or eight, who were then in custody, and would be triable at Provo. The requisition mentions it as a probable fact that 'a large band of organized thieves' would be arrested; but the troops were asked for without reference to them. Promptly responding to this call the commanding-general sent up a company of infantry, who encamped at the Court House, and soon afterwards ten more companies made their appearance in sight, and remained there during the whole term of the court. In the meantime, the Governor of the Territory, hearing of this military demonstration upon a town previously supposed to be altogether peaceful, appeared on the ground, made inquiries, and, seeing no necessity for the troops, but believing, on the contrary, that their presence was calculated to do harm, he requested them to be removed. The request was wholly disregarded.

"The Governor is the supreme Executive of the Territory. He is responsible for the public peace. From the general law of the land, the nature of his office, and the instructions he received from the State Department, it ought to have been understood that he alone had power to issue a requisition for the movement of troops from one part of the Territory to another,—that he alone could put the military forces of the Union and the people of the Territory into relations of general hostility with one another. The instructions given to the Commanding-General by the War Department are to the same effect. In that paper a '*requisition*' is not spoken of as a thing which anybody except the Governor can make. It is true that in one clause the General is told that if the Governor, the judges, or the marshal shall find it necessary to *summon directly* a part of the troops to aid either in the performance of his duty, he (the General) is to see the *summons* promptly obeyed. This was manifestly intended to furnish the means of repelling an opposition which might be too strong for the civil posse, and too sudden to admit of a formal requisition by the governor upon the military commander. An officer finds himself resisted in the discharge of his duty, and he calls to his aid first the citizens, and, if they are not sufficient, the soldiers. This would be directly summoning a part of the troops. A *direct summons* and a *requisition* are not convertible terms. The former signifies a mere verbal call upon either civilians or military men for force enough to put down a present opposition to a certain officer in the performance of a particular duty; and the call is to be always made by the officer who is himself opposed upon those persons who are with their own hands to furnish the aid. A requisition, on the other hand, is a solemn demand in writing made by the supreme civil magistrate upon the commander-in-chief of the military forces for the whole or part of the army to be used in a specified service. In a Territory like Utah, the person who exercises this last-mentioned power can make war and peace when he pleases, and holds in his hands the issues of life and death for thousands. Surely it was not intended to clothe each one of the judges, as well as the marshal and all his

deputies, with this tremendous authority. Especially does this construction seem erroneous when we reflect that these different officers might make requisitions conflicting with one another, and all of them crossing the path of the Governor.

"Besides, the matter upon which Judge Cradlebaugh's requisition bases itself was one with which the Judge had no sort of official connection. It was the duty the marshal to see that the prisoners were safely kept and forthcoming at the proper time. For aught that appears, the marshal wanted no troops to aid him, and had no desire to see himself displaced by a regiment of soldiers. He made no complaint of weakness, and uttered no call for assistance. Under such circumstances it was a mistake of the Judge to interfere with the business at all.

"But, assuming the legal right of the judge to put the marshal's business into the hands of the army without the marshal's concurrence, and granting also that this might be done by means of a requisition, was there in this case any occasion for the exercise of such power? When we consider how essentially peaceable is the whole spirit of our judicial system, and how exclusively it aims to operate by moral force, or at most by the arm of civil power, it can hardly be denied that the employment of military troops about the courts should be avoided, as long as possible. *Inter arma silent leges*, says the maxim; and the converse of it ought to be equally true, that *inter leges silent arma*. The President has not found, either on the face of the requisition or in any other paper received by him, a statement of specific facts strong enough to make the presence of the troops seem necessary. Such necessity ought to have been perfectly plain before the measure was resorted to.

"It is very probable that the Mormon inhabitants of Utah have been guilty of crimes for which they deserve the severest punishment. It is not intended by the Government to let any one escape against whom the proper proofs can be produced. With that view, the district attorney has been instructed to use all possible diligence in bringing criminals of every class and of all degrees to justice. We have the fullest confidence in the vigilance, fidelity and ability of that officer. If you shall be of opinion that his duty is not performed with sufficient energy, your statement to that effect will receive the prompt attention of the President.

"It is very likely that public opinion in the Territory is frequently opposed to the conviction of parties who deserve punishment. It may be that extensive conspiracies are formed there to defeat justice. These are subjects upon which we, at this distance, can affirm or deny nothing. But, supposing your opinion upon them to be correct, every inhabitant of Utah must still be proceeded against in a regular, legal, and constitutional way. At all events, the usual and established modes of dealing with public offenders must be exhausted before we adopt any others.

"On the whole, the President is very decidedly of opinion—

"1. That the Governor of the Territory alone has power to issue a requisition upon the commanding-general for the whole or part of the army:

"2. That there was no apparent occasion for the presence of the troops at Provo:

"3. That if a rescue of the prisoners in custody had been attempted, it

was the duty of the marshal, and not of the judge, to summon the force which might be necessary to prevent it:

"4. That the troops ought not to have been sent to Provo without the concurrence of the Governor, nor kept there against his remonstrance:

"5. That the disregard of these principles and rules of action has been in many ways extremely unfortunate.

"I am, very respectfully, yours, &c.,

J. S. BLACK.

"*Hon. J. Cradlebaugh, Hon. C. E. Sinclair, Associate Judges, Supreme Court, Utah.*"

A great Constitutional pronouncement like the foregoing from a jurist so distinguished as Attorney-General Jeremiah S. Black, given by the direction of the President of the United States, was too authoritative and potent to be set aside. Governor Cumming had clearly won the victory over his rivals, at least in the Constitutional aspects of his position.

The anti-Mormon influence everywhere was now invoked to have Governor Cumming removed, and for a time this was under consideration in the Cabinet. The probabilities were all against the Governor being retained, but a fine stroke of strategy, executed by Col. Thos. L. Kane, recovered his position. Stenhouse, who was present as reporter for the New York *Herald*, relates the circumstance thus:

"Soon after the return of Col. Kane to the Eastern States, that gentleman was invited to deliver a lecture before the Historical Society of New York upon 'The Situation of Utah.' Though in very feeble health, and unprepared for such a lecture, his devotion to what he no doubt sincerely believed to be the welfare of the Mormons and the honor of the Government, overcame all impediments, and the lecture was delivered. In that audience were two Mormon elders listening eagerly for a sentence that might help "the cause" in the West. By previous arrangement the agent of the Associated Press was to be furnished with a notice of the lecture, and thus a dispatch next morning was read everywhere throughout the Union to the effect that there was a division among the Mormons, that some were eager for strife, others for peace, but that Brigham Young was on the side of peace and order, and was laboring to control his fiery brethren. This was a repetition of a part of the diplomacy of the Tabernacle. Governor Cumming was complimented by the gallant Colonel as a clear-headed, resolute, but prudent executive, and the very man for the trying position.

"Before such an endorsement, sent broadcast over the Republic, coming from the lips of the gentleman who had warded off the effusion of blood, and saved the nation from the expense and horror of a domestic war, the Cabinet of Mr. Buchanan silently bowed, but they were terribly chagrined."

Apostle George Q. Cannon, who was one of the "two Mormon elders" present at the lecture, relates this singular and quite dramatic episode of Utah history with several additional points, which have a national significance. The story is told in an obituary sketch of Thomas L. Kane, with an affectionate simplicity that gives it a special value in the History:

"As I write, another illustration of his forgetfulness of self and his ardent zeal in behalf of Utah comes to my mind. It was during the Buchanan administration. Governor Cumming, who had been sent out by President Buchanan with the army as Governor of the Territory, did not work harmoniously with the army officers. Differences had arisen between them at the time they were in camp during the winter at Ham's Fork and Fort Bridger.

"These differences increased after they came into the valley, and the influence of the army people was used with the administration to have Cumming removed. President Buchanan was inclined to yield to the pressure of Albert Sidney Johnston's friends. Johnston at that time was quite an influential personage; in fact influences were being used to prepare the way for him to succeed General Winfield Scott as commander of the army of the United States. President Buchanan made inquiries of some of General Kane's friends as to how the removal of Governor Cumming would be received by him. He heard of this, and, though at the time confined to his room with an attack of pleurisy, saw that something must be done to prevent the removal of Governor Cumming, which he viewed at the time as a move that would be unfortunate to Utah. The Historical Society of New York City—a very influential society—had solicited him to deliver a lecture upon Utah affairs; but he had postponed accepting the offer. He saw that this was the opportune moment to deliver it, and though suffering from severe pain he resolved to go to New York and deliver the lecture. His friends tried to dissuade him from the step, as they felt that he was endangering his life. But he was determined to go, and wrote to the President of the Society, who was pleased to accept the proffer of the lecture. Accompanied by his physician, he traveled from Philadelphia to New York, delivered the lecture, in which he eulogized Governor Cumming, and gave him the praise that was due to him for his conduct after reaching Utah, and the next morning there appeared in all the newspapers of the country, through the associated press, a brief epitome of the lecture, commending Governor Cumming's administration of affairs. It had the effect to turn the scale in Cumming's favor. President Buchanan relinquished the idea of removing him, and he remained Governor until he had served out his full term. I was in the East at the time and familiar with all the circumstances, and I was deeply impressed with the General's conduct on that occasion."

There is to be discerned in these two statements a division growing up in the views and purposes of the members of Buchanan's Cabinet at that critical juncture of our national affairs, which is capitally presented in Mr. Blaine's great book of reminiscences, in which he presents, on the one side, John B. Floyd, Secretary of War with President Buchanan preparing the way for secession; on the other, Gen. Lewis Cass, Secretary of State, and Attorney-General Jeremiah S. Black, taking the alarm both for the Democracy and the Union, and setting their faces against the secession movement, which General Albert Sidney Johnston was fated to represent as one of its chiefest military captains. Mr. Blaine has not intended any reference to Utah, but that which he describes touching a division in the Cabinet, relative to our national affairs, is strangely to be traced at the same moment in the Cabinet over Utah affairs. So far as secession and Secretary Floyd is concerned, the statement of ex-Delegate Cannon suggests a very striking

parallel to the Blaine reminiscences of the state of Buchanan's Cabinet at that juncture.

The historical pertinence of the case is the more striking from the fact that it was subsequent to the decision of the Attorney-General against the Judges' and General Johnston's action. After the receipt of that dispatch a mass meeting of Gentiles was held at Camp Floyd, on the 23rd of July, at which the Judges and the Indian Agent—Dr. Garland Hurt—were present, and in which they took a prominent part. An address was penned, rehearsing all the crimes charged to the Mormons, asserting that they were as disloyal after the President's pardon as when they were in arms in Echo Canyon, that the President was deceived and badly advised, and had done a great wrong in withdrawing the protection of the military from the courts.

Thus it would seem that there was before the country, emanating from Johnston and his friends, who were seeking to make him commander-in-chief of the armies of the United States, not only a demand for the removal of Governor Cumming, but a virtual impeachment of the Attorney-General as an ill-adviser on Utah affairs, for it was undoubtedly Jeremiah S. Black who had given the new impulse to the Buchanan movement, as represented in General Kane and Governor Cumming, and his Constitutional decision had most likely saved Great Salt Lake City from the "baptism of blood," and made valid the President's pardon. But it seems that he would have failed at last, in his revision of the Buchanan policy touching Utah, had not Thomas L. Kane risen from his couch and, in his noble regard for the honor of his country, made valid the proclamation of peace and pardon which had been granted in the august name of the American Republic.

A supplementary page from Mr. Blaine's great book may be given here to illustrate the reorganization of the Buchanan Cabinet, by Judge Black, and the radical change in its policies, so strongly marked both in the affairs of Utah and the greater affairs of the nation; and a bankrupt U. S. Treasury will be very suggestive of Secretary Floyd's expenditure of from fourteen to twenty millions of dollars on the Utah Expedition:

"Judge Black entered upon his duties as Secretary of State on the 17th of December—the day on which the disunion convention of South Carolina assembled. He found the malign influence of Mr. Buchanan's message fully at work throughout the South. Under its encouragement only three days were required by the convention at Charleston to pass the ordinance of secession, and four days later Governor Pickens issued a proclamation declaring 'South Carolina a separate, sovereign, free and independent State, with the right to levy war, conclude peace and negotiate treaties.' From that moment Judge Black's position towards the Southern leaders was radically changed. They were no longer fellow-Democrats. They were the enemies of the Union to which he was devoted, they were conspirators against the Government to which he had taken a selemn oath of fidelity and loyalty.

"Judge Black's change, however important to his own fame, would prove comparatively fruitless unless he could influence Mr. Buchanan to break with the men who had been artfully using the power of his Administration to destroy the

Union. The opportunity and the test came promptly. The new 'sovereign, free and independent' government of South Carolina sent commissioners to Washington to negotiate for the surrender of the national forts and the transfer of the national property within her limits. Mr. Buchanan prepared an answer to their request which was compromising to the honor of the Executive and perilous to the integrity of the Union. Judge Black took a decided and irrevocable stand against the President's position. He advised Mr. Buchanan that upon the basis of that fatal concession to the disunion leaders he could not remain in his Cabinet. It was a sharp issue, but was soon adjusted. Mr. Buchanan gave way and permitted Judge Black and his associates, Holt and Stanton, to frame a reply for the Administration.

"Jefferson Davis, Mr. Toombs, Mr. Benjamin, Mr. Slidell, who had been Mr. Buchanan's intimate and confidential advisers, and who had led him to the brink of ruin, found themselves suddenly supplanted, and a new power installed in the White House. Foiled and no longer able to use the National Administration as an instrumentality to destroy the national life, the secession leaders in Congress turned upon the President with angry reproaches. In their rage they lost all sense of the respect due to the Chief Magistrate of the nation, and assaulted Mr. Buchanan with coarseness as well as violence. Senator Benjamin spoke of him as 'a senile Executive under the sinister influence of insane counsels.' This exhibition of malignity towards the misguided President afforded to the North the most convincing and satisfactory proof that there had been a change for the better in the plans and purposes of the Administration. They realized that it must be a deep sense of impending danger which could separate Mr. Buchanan from his political associations with the South, and they recognized in his position a significant proof of the desperate determination to which the enemies of the Union had come.

"The stand taken by Judge Black and his loyal associates was in the last days of December, 1860. The reorganization of the Cabinet came as a matter of necessity. Mr. John B. Floyd resigned from the War Department, making loud proclamation that his action was based on the President's refusal to surrender the national forts in Charleston Harbor to the secession government of South Carolina. This manifesto was not necessary to establish Floyd's treasonable intentions towards the Government; but, in point of truth, the plea was undoubtedly a pretense, to cover reasons of a more personal character which would at once deprive him of Mr. Buchanan's confidence. There had been irregularities in the War Department tending to compromise Mr. Floyd, for which he was afterwards indicted in the District of Columbia. Mr. Floyd well knew that the first knowledge of these shortcomings would lead to his dismissal from the Cabinet. Whatever Mr. Buchanan's faults as an Executive may have been, his honor in all transactions, both personal and public, was unquestionable, and he was the last man to tolerate the slightest deviation from the path of rigid integrity.

"Mr. Thompson, the Secretary of the Interior, followed Mr. Floyd after a short interval. Mr. Cobb had left the Treasury a few days before General Cass resigned from the Cabinet, and had gone to Georgia to stimulate her laggard

movements in the scheme of destroying the Government. His successor was Philip Francis Thomas, of Maryland, who entered the Cabinet as a representative of the principles whose announcement had forced General Cass to resign. The change of policy to which the President was now fully committed forced Mr. Thomas to retire after a month's service. He frankly stated that he was unable to agree with the President and his other advisers 'in reference to the condition of things in South Carolina,' and therefore tendered his resignation. Mr. Thomas adhered to the Union and always maintained an upright and honorable character; but his course at that crisis deprived him subsequently of a seat in the United States Senate, though at a later period he served in the House as Representative from Maryland.

"Mr. Cobb, Mr. Floyd and Mr. Thompson had all remained in the Cabinet after the Presidential election in November, in full sympathy, and so far as possible in co-operation with the men in the South who were organizing resistance to the authority of the Federal Government. Neither those gentlemen, nor any friend in their behalf, ever ventured to explain how, as sworn officers of the United States, they could remain at their posts consistently with the laws of honor—laws obligatory on them not only as public officials who had taken a solemn oath of fidelity to the Constitution, but also as private gentlemen, whose good faith was pledged anew every hour they remained in control of the departments with whose administration they had been intrusted. Their course is unfavorably contrasted with that of many Southern men (of whom General Lee and the two Johnstons were conspicuous examples), who refused to hold official positions under the national Government a single day after they had determined to take part in the scheme of disunion.

"By the reorganization of the Cabinet the tone of Mr. Buchanan's administration was radically changed. Judge Black had used his influence with the President to secure trustworthy friends of the Union in every department. Edwin M. Stanton, little known at the time to the public, but of high standing in his profession, was appointed Attorney-General soon after Judge Black took charge of the State Department. Judge Black had been associated with Stanton personally and professionally, and was desirous of his aid in the dangerous period through which he was called to serve.

"Joseph Holt, who, since the death of Aaron V. Brown in 1859, had been Postmaster-General, was now appointed Secretary of War, and Horatio King, of Maine, for many years the upright first assistant, was justly promoted to the head of the Post-office Department. Mr. Holt was the only Southern man left in the Cabinet. He was a native of Kentucky, long a resident of Mississippi, always identified with the Democratic party, and affiliated with its extreme southern wing. Without a moment's hesitation he now broke all the associations of a lifetime, and stood by the Union without qualification or condition. His learning, his firmness and his ability were invaluable to Mr. Buchanan in the closing days of his administration.

"General John A. Dix, of New York, was called to the head of the Treasury. He was a man of excellent ability, of wide experience in affairs, of spotless character and a most zealous friend of the Union. He found the Treasury bankrupt,

the discipline of its officers in the South gone, its orders disregarded in the States which were preparing for secession. He at once imparted spirit and energy into the service, giving to the administration of this department a policy of pronounced loyalty to the Government. No act of his useful and honorable life has been so widely known or will be so long remembered as his dispatch to the Treasury agent at New Orleans to take possession of a revenue cutter whose commander was suspected of disloyalty and of a design to transfer his vessel to the Confederate service. Lord Nelson's memorable order at Trafalgar was not more inspiring to the British Navy than was the order of General Dix to the American people, when, in the gloom of that depressing winter, he telegraphed South his peremptory words: 'If any man attempts to haul down the American flag, shoot him on the spot.'

"Thus reconstructed, the Cabinet as a whole was one of recognized power, marked by high personal character, by intellectual training, by experience in affairs, and by aptitude for the public service. There have been Cabinets perhaps more widely known for the possession of great qualities; but, if the history of successive administrations from the origin of the Government be closely studied, it will be found that the reorganized Cabinet of President Buchanan must take rank as one of exceptional ability."

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## CHAPTER XXVI.

JUDGE CRADLEBAUGH DISCHARGES THE GRAND JURY AND TURNS SOCIETY OVER TO LAWLESS RULE. THE INDIANS ENCOURAGED TO DEPREDATIONS ON THE SETTLEMENTS. A DARK PICTURE OF SALT LAKE SOCIETY. WHY GOVERNOR CUMMING DID NOT INVESTIGATE THE MOUNTAIN MEADOWS MASSACRE.

Having failed to obtain the indictment of the leaders of the Mormon Church, the judges resolved that they would close their courts and give society into the hands of the numerous desperadoes with which the Territory now abounded. In discharging the grand jury, Judge Cradlebaugh uttered one of the most remarkable passages to be found in the whole history of criminal jurisprudence:

"If it is expected," he said, "that this court is to be used by this community as a means of protecting it against the peccadilloes of Gentiles and Indians, unless this community will punish its own murderers, such expectations will not be realized. It will be used for no such purpose. When the people shall come to their reason and manifest a disposition to punish their own high offenders, it will then be time to enforce the law also for their protection. If this

court cannot bring you to a proper sense of your duty, *it can at least turn the savages held in custody loose upon you.*"

Accordingly Judge Cradlebaugh dismissed the prisoners and adjourned his court "without day."

On his part D. Hurt, the Indian agent, had, both before and after the entrance of Johnston's troops, spent his official service in inciting hostile Indians to commit depredations upon the Mormon settlements. This, indeed, was the specific charge which Governor Cumming reported to Secretary Cass against Indian Agent Hurt, both as inimical to the peace of the Territory and interruptive of his own executive duties representing the Federal Government. Upon this Indian line of the history, George A. Smith, just prior to the entrance of Johnston's troops, writing to T. B. H. Stenhouse, said:

"It has been the policy of Governor Young and our people to keep the Indians neutral, should a contest ensue. I read in the last papers received from the States loud boasts of having secured the Utah and other Indians as allies against the Mormons. Strange as it may seem to civilized persons, all the reckless and unprincipled Indians of the mountains have been hired, with new guns, blankets, clothing, ammunition, paint, etc., to steal, rob, murder, and do anything else that can be done to destroy the Mormons. Indian agents have sent messengers to all the peaceable Indians to incite them to deeds of rapine and bloodshed. A number of scattering settlements have been attacked, and innocent blood stains the skirts of the present administration, whose agents have procured the murders.

"I am an American, as you well know. I love my country, and hate to see her rulers trample under foot her glorious institutions, and re-enact barbarism more cruel than that inflicted by the King of Great Britain, through the hands of the red men upon the scattered settlements of the colonies, in the war of independence. We wish 'life, liberty, and the pursuit of happiness.'

"With 3,500 bayonets, rifles, revolvers, and heavy ordnance pointed at us, and within three days' march of our city, 4,500 more *en route* to reinforce them, *carte blanche* on the United States treasury, would seem enough to satisfy our most bitter persecutors, without hiring as allies the savage hordes of the deserts and mountains to murder, scalp, roast, and eat their fellow-citizens, because they forsooth differed on the subject of religion.

'Who can believe it!—the cause is rather odd—
Men hate each other for the love of God!'

"You are aware that all the outrages in the country, heretofore, have been caused by men who are enemies to the inhabitants of this Territory—who have passed through our borders and recklessly shot at and otherwise abused the Indians.

"Experience shows that Indians, like Congressmen and Government officials, have their price."

Mr. William G. Mills, writing to the same person, who at that time was a special attache of the New York *Herald* on Utah affairs, said:

"The officials and others among the troops are employing their influence and means to bribe the Indians to steal the cattle, and horses, and mules from the settlers here; and already some have succeeded in stealing, and have massacred several persons in the outer settlements. The cattle will be conveyed to the army. One poor fox skin from an Indian will be paid for with a quantity of powder, lead, caps, blankets, and shirts—more than a hundred times its value—in order to buy over the rude savages to rob from and murder those who have hitherto fed and clothed them. This is done whenever an Indian visits them. It is not, of course, bribing or buying the Indian—it is only paying for the fox or buckskin; and significant nods, winks, and signs accompanying the gift are easily interpreted, and robbery and murder are the result. Dr. Hurt, the Indian agent, who decamped from the Indian farm, to create an excitement in his favor, in pretence for personal safety—'The wicked fleeth when none pursueth'—has collected a band of Indians in Uintah Valley, among whom is the murderer Tintic, and placed himself as their chief at their head, to make an attack on the southern settlements, and promising not only blankets, powder, etc., but a share of the pillage, as the reward of their nefarious acts. Murder in the north is to be responded to by murder of quiet and peaceable citizens in the south. Every mule and horse that the Indians steal is blamed on the Mormons, though the latter may be a hundred miles from the scene of action. A good supply of whisky is furnished to the Indians by the officers and others, and they seem to enjoy themselves well together. Drinking among the troops was carried on to excess during the winter, which was calculated to excite their bitterest feelings and to enter in every scheme to annoy and kill the citizens. White men and murderous Indians are 'hail fellows well met.'

"The Indians, by the presence of the troops, are emboldened to annoy the various settlements, because the Mormons would rather not fight. In Tooele County—the most westerly in the Territory—those Indians who were hitherto friendly have become excited by the conversations and bribes of the army, and have stolen about one hundred and fifty head of cattle and sixty horses, and fired upon the men who were guarding. At Salmon River settlement, two hundred and fifty head of cattle were stolen about the 4th of March, and several Mormons killed and scalped, and again attacked subsequently. It is expected that Dr. Hurt and his tribe will make an attack soon upon the southern settlements; but the people are prepared for every emergency, and will repulse them.

"The war chiefs of several tribes of Indians, during the time of the excitement last fall and winter, applied personally to Governor Young for his advice and permission to go out with their tribes and 'use up' the soldiers, which they deemed themselves amply capable to do; but he, in every instance, told them to keep away from the army and show no bad feelings whatever, and requested them to avoid killing the white men. I have seen the chiefs exhibit sanguine feelings in relation to killing the soldiers, but entirely softened down by the counsel and expressions of Governor Young. He wrote to Ben Simons, the Delaware Indian, chief of the Weberites, in reply to a letter, to stand in a neutral position, neither take part with the Mormons nor the soldiers, in the event of a collision, and has

always endeavored to suppress that bloodthirsty spirit of the treacherous red men."

The action of the judges, in suspending altogether the administration of justice, and by semi-proclamation turning loose upon society the desperadoes, produced such a condition of things, compared with which the history of Great Salt Lake City was stainless before the onset of the Buchanan Expedition.

Mr. Stenhouse in his *Rocky Mountain Saints* has painted the dark picture of those times thus outlined and colored:

"With such a large body of troops there were, as usual, numerous camp-followers plying their *petit industries*, gambling, thieving, and drinking. General Johnston, with strict surveillance and severe military punishment, had been able to control them on the march and at Camp Scott; but when they found in the valleys of the Saints a wider and safer field for operations, they gave rein to their vilest passions, and a worse set of vagabonds never afflicted any community with their presence than did the followers of Johnston's army the inhabitants of the chief city of Zion. Quite a number of young Mormons—and some not so young—became as reckless and daring as any of the imported Gentiles, and life and property for a time were very insecure in Salt Lake City.

"The programme of the police authorities seemed to be to give the desperadoes the largest liberty, so that they might, in their drunken carousals, 'kill off each other,' and what they left undone invisible hands readily accomplished. During the summer and fall of 1859 there was a murder committed in Salt Lake City almost every week, and very rarely were the criminals brought to justice.

"The Mormon leaders taught the people to attend to their fields and workshops, keep out of 'Whisky Street,' and let 'civilization' take its course. They had plenty of hard work to engage their attention, and no money, so that the business street was seldom visited by them, and they saw little of what was transpiring in their midst. The Church weekly paper took pride in reporting, as it occurred, 'another man for breakfast,' and with that 'the people of God' were satisfied that 'the good work was rolling on.' Israel would one day be free from his oppressors.

"The rioting and killing that were traceable occupied little more than passing attention, but the midnight work of invisible hands created a sensation of terror in the minds of all who were inimical to the priesthood. *The Valley Tan*, notwithstanding its true boldness, felt the danger of the hour, and in one of its doleful wails ejaculated: 'How long, oh! how long are scenes like this to continue? * * * It would seem as if the insatiable demon and enemy of man must himself be gorged with the flow of human blood in our midst.' * * * 'No man's life is secure as long as the scenes of violence and bloodshed, which have been of such frequent occurrence among us for months past, continue to be repeated, and the perpetrators escape unpunished or not detected.'

"The bloody work continued, and finally terminated with the murder of Brewer and Joaquin Johnston, two intimate friends, who were shot at the same instant as they were walking home together. The author well remembers seeing

very early the next morning the marshal of the city and the chief of police who gravely informed him of the 'sad news'—'Johnston and Brewer had quarreled, and *killed* each other!' This story was feeble enough, but no one cared to question it: the people had got used to the record of scenes of blood.

"In the 'swift destruction' that fell upon the desperadoes, there was no mitigation of punishment on account of faith or family relationship, and very respectable Mormon families had to mourn the untimely end of boys who, before the entrance of the army, gave promise of lives of usefulness and honor. All the bad and desperate Mormons were not brought to judgment, but the pretext alone was wanting for carrying more extensively into execution the general programme. Resistance to an officer, or the slightest attempt to escape from custody, was eagerly seized, when wanted, as the justification of closing a disreputable career, and in more than one case of this *legal* shooting, there is much doubt if even the trivial excuse was waited for. The Salt Lake police then earned the reputation of affording every desperate prisoner the opportunity of escape, and, if embraced, the officer's ready revolver brought the fugitive to a 'halt,' and saved the country the expenses of a trial and his subsequent boarding in the penitentiary. A coroner's inquest and cemetery expenses were comparatively light.

"With the troops themselves there was no collision. The Governor had requested General Johnston to withhold furlough from the soldiers, and few of them ever had the opportunity of visiting the City of the Saints. With some officers there had been, in the city, slight difficulties, which were, however, easily settled. Only one serious affair occurred, ending in the death of Sergeant Pike. This person was charged with violently assaulting a young Mormon and cracking his skull with a musket. During the Sergeant's trial in Salt Lake City, while on the public street at noon, passing to his hotel, a young man shot him down, and shortly afterward he died. The young man, with the aid of others, escaped, and was never arrested. There was great excitement at Camp Floyd, but the Sergeant's comrades were too far away to retaliate.

"From the time of the arrival of the troops in the valley, Brigham was personally very cautious, and never exposed himself to attack. For a long time he absented himself from the public assemblies, kept an armed door-keeper at the entrance of his residences, and by night was protected by an armed guard of the faithful. Every ward in the city took its turn in watching over the Prophet, and the floors of his offices were nightly covered with a guard, armed and equipped, and ready at a moment's notice to repulse the imaginary foe.

"During the day, when Brigham ventured beyond the outer walls of his premises, half a dozen friends always accompanied him wherever he went. It is pleasing to add that no one ever so much as said to him an unbecoming word."

In this condition of society, and the antagonistic complication of affairs existing between the Governor and General Johnston and the Judges, is to be found the exact historical exposition why the Mountain Meadow Massacre was not brought to judgment and avenged years before the execution of John D. Lee.

Ex-Governor Young has often, yet most senselessly been reproved and held guilty for not causing an investigation of the tragedy in question, and bringing

its executors to justice immediately after the bloody deed was done. One of the questions and its answer from the deposition of Brigham Young, taken at the trial of Lee, bears directly upon this point:

"Q. Why did you not as Governor institute proceedings forthwith to investigate the massacre and bring the guilty authors to justice?

"A. Because another Governor had been appointed by the President of the United States, and was then on the way here to take my place, and I did not know how soon he might arrive; and because the United States Judges were not in the Territory. Soon after Governor Cumming arrived I asked him to take Judge Cradlebaugh, who belonged to the Southern District, with him, and I would accompany them with sufficient aid to investigate the matter and bring the offenders to justice."

But the action of the Judges, at the very onset, made it impossible for ex-Governor Young or Governor Cumming to move far in the matter. Though Brigham Young had been Justice personified, had he proceeded he must have walked into the death-trap set for him.

The following editorial excerpt from the New York *Tribune*, July 3rd, 1858, describes the case of Governor Cumming before the entrance of the troops, which was more abundantly illustrated afterwards:

"The latest accounts from Utah present the affairs of that Territory in rather a queer light. All the correspondents of the newspapers who write from Camp Scott most zealously contend that Governor Cumming, in representing the Mormons as having submitted to his authority, has either been grossly deceived himself, or else is seeking to deceive the Government and the country. Possibly, as to this matter, the good people of Camp Scott, civil and military, judge the Mormons a little too much by themselves. If the disposition to obey the Governor and to second and sustain him in the exercise of his office is not greater within the valley than it seems to be at Camp Scott and Fort Bridger, the extent of the Governor's authority is certainly limited enough. Whether or not Brigham Young and his people have combined together, while seeming to acknowledge Cumming as Governor—in fact to set aside and override his authority, at least it is very certain that such a combination exists in full force at Camp Scott, with Mr. Chief Justice Eckles at its head. Perhaps there is something in the air of Utah that stimulates to treason, rebellion, and resistance to authority. Whether that be so or not, the authority of Cumming as Governor seems just now quite as much in danger from the Chief Justice, the civil officers, and the army sent to Utah at such an expense to place him and sustain him in the Governor's chair, as from those whose anticipated opposition to his authority led to such costly preparations to uphold it. In fact, it would seem that, on the question of due respect to Cumming's gubernatorial authority, the people inside the valley and those out of it had completely changed ground. The resistance to Governor Cumming is not now on the part of Brigham Young and the Mormons generally, but on the part of Chief Justice Eckels, Marshal Dotson, General Johnston, the camp, and the camp-followers.

"In this resistance to the authority of Governor Cumming and combination to reduce him, if possible, to a cipher, the recently arrived Peace Commis-

sioners, according to all accounts, have joined, actuated possibly by a feeling of jealousy that they should have been anticipated by Governor Cumming and the work of pacification taken out of their hands. Nor, if we are to believe the letters from the camp, do these gentlemen confine themselves merely to thwarting the policy of Governor Cumming and nullifying his authority as Governor. They go, indeed, much further than that. The President's proclamation, of which they are the bearers, does not meet their approbation, or appear to them adapted to the exigencies of the case. They harmonize completely, we are told, with Judge Eckles and General Johnston, and not content with upsetting and overriding the Governor, are resolved to upset and override the President too. The proclamation is, therefore, to be construed—by the help, we suppose, of that profound jurist, Judge Eckles—in conformity to their ideas. In other words, it is to be nullified and set aside.

"We have heard a great deal heretofore about the danger of personal violence and loss of property to which the Gentiles in the Territory of Utah have been exposed on the part of the Mormons. At present, the danger seems to be entirely the other way. Nothing can exceed the rancorous and even ferocious feelings against the Mormons with which the army at Camp Scott appears to be penetrated. They regard themselves as engaged not so much in a public service as in the prosecution of a private quarrel. They regard the Mormons as having subjected them to all the hard service of this campaign—as having kept them encamped all winter on short rations amid the mountains—as having derided, maligned, and insulted them; and even the very common soldiers are represented as having put on an air of offended dignity at the idea that the Peace Commissioners had arrived to snatch their intended victims from their revengeful grasp. This state of feeling on the part of the soldiers affords an abundant justification for Governor Cumming's objections to their entry into the valley and for the dread and horror with which the Mormons regard their presence there. If it be deemed proper or necessary to station troops in Utah, they ought to be some fresh *corps*, and not a body of men filled with such hatred and prejudice. Let some of the troops now on their march across the plains be employed in this service, and the force now collecting under General Johnson be sent in some other direction. That officer, however, would seem bent upon entering the valley, in spite of the remonstrances of Governor Cumming, whose authority over the troops he denies, with the very object, it would seem, of driving the Mormons to destroy their houses and to prevent them from gathering their crops, thus subjecting thousands of women and children to the danger of starvation."

The Peace Commissioners, however, in the sequel accomplished their mission, but the breach between Governor Cumming and General Johnston and the Judges, extended, as we have seen, to the impeachment of his course and a demand from Camp Floyd for his removal.

But his inability to investigate and bring to justice the authors of the Mountain Meadow Massacre, during his term of office, is known to have been a thorn in Governor Cumming's side. After him no Governor could be specially held

responsible; and thus justice tarried long, impeded at the onset by the Judges themselves, which is the unmistakable import of Attorney-General Black's rebuke to them.

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## CHAPTER XXVII.

AFTER THE UTAH WAR. CELEBRATION OF THE FOURTH OF JULY. BENEFITS OF CAMP FLOYD TO THE COMMUNITY. TRADE WITH THE CAMP. THE PONY EXPRESS. THE BULK OF THE TROOPS MARCH FOR NEW MEXICO AND ARIZONA. JOHNSTON LEAVES FOR WASHINGTON. THE DEPARTURE OF GOVERNOR CUMMING. THE REMNANT OF THE ARMY ORDERED TO THE STATES. SALES OF CAMP FLOYD. GOODS WORTH FOUR MILLION DOLLARS SOLD FOR ONE HUNDRED THOUSAND. DESTRUCTION OF ARMS AND AMMUNITION. LINCOLN'S NEW APPOINTMENTS FOR UTAH. COMPLETION OF THE TELEGRAPH LINE. FIRST MESSAGE FROM EX-GOVERNOR YOUNG—"UTAH HAS NOT SECEDED." THE GOVERNOR TO PRESIDENT LINCOLN AND HIS RESPONSE. UTAH'S MANIFESTO ON THE CIVIL WAR.

Soon after the attempt of the military, instigated by the Judges, to arrest Brigham Young, the Lieut.-General of the Utah militia issued the following:

"SPECIAL ORDER NO. 2.

"HEADQUARTERS NAUVOO LEGION,
Adjutant-General's Office, G. S. L. City, July 1st, 1859.

"Monday, the 4th, will be the eighty-third anniversary of the birth of American freedom. It is the duty of every American citizen to commemorate the great event; not in a boisterous revelry, but with hearts full of gratitude to Almighty God the Great Father of our rights.

"The Lieutenant-General directs for the celebration in the city as follows:

"1st.—At sunrise a salute of thirteen guns will be fired, commencing near the residence of His Excellency the Governor, to be answered from a point on South Temple Street, near the residence of President Brigham Young.

"The national flag will be hoisted at the signal from the first gun, simultaneously at the residences of Governor Cumming and President Young, at the office of the Territorial Secretary, and the residence of the United States Attorney. Captain Pitt's band will be stationed at sunrise opposite the residence of Governor Cumming, and Captain Ballo's band opposite the residence of President Young.

"At the hoisting of the flags the bands will play the 'Star Spangled Banner.'

"2d.—After the morning salute the guns will be parked at the Court House till noon, when a salute of 33 guns will be fired.

"3d.—At sunset a salute of five guns, in honor of the Territories, will be fired, and the flags lowered.

"4th.—For the above service Lieutenant Atwood and two platoons of artillery will be detailed. Two six-pounder iron guns will be used for the salutes. Also a first lieutenant and two platoons of the 1st cavalry will be detailed as a guard, and continue on guard through the day. The whole detachment will be dismissed after the sunset salute.

"5th.—Col. J. C. Little, of the General's staff, will perform the duties of marshal of the day, with permission to select such deputies as he may require to assist him. The Declaration of Independence will be read by him from the steps of the Court House at noon.

"6th.—The bands and the services to be performed by them will be under the direction of Col. Duzette.

"By order of

Lieut.-Gen. DANIEL H. WELLS.
Adjt.-Gen. JAMES FERGUSON."

When the danger of conflict between Camp Floyd and Salt Lake City was passed, the citizens began to realize many material benefits from the camp.

The famine of 1855-6 had impoverished the Territory in its agricultural resources; the handcart emigration had brought to the country several thousand poor people, destitute, after their terrible journey, of even the barest clothing, whereas in former years the "Independent Companies," and the "Ten-pound ox-team companies," had brought moderate, and in some cases rich and plentiful supplies, which had lasted the emigrants several years before they were entirely exhausted. But now for a long while the common sources of supplies had been stopped; and commerce with the east had been suspended by the expedition itself. The Gentile merchants had broken up their houses at the approach of the army, and General Johnston on his joining his army issued orders that no trains of merchandise bound for Great Salt Lake City should be allowed to pass his lines.

Thus the community had become utterly destitute of almost everything necessary to their social comfort. The people were poorly clad, and rarely ever saw anything on their tables but what was prepared from flour, corn, beet-molasses, and the vegetables and fruits of their gardens. They were alike destitute of implements of industry, and horses, mules, and wagons for their agricultural operations. Utah was truly very poor at that period; indeed, never so poor since the Californian emigrants poured into Great Salt Lake City in 1849.

The presence of the army soon changed the condition of the community. It was not to be expected that the leaders of the Church would from the Tabernacle encourage much intercourse between the camp and the citizens, but quite a number of the self-reliant men, who have since represented the business and commerce of the Territory, sought directly the intercourse of trade with the camp, while the more cautious furnished these middle men with the native supplies of

the country, by which the trade was sustained. In this way money was gathered in freely by the Gentiles and the bold Mormon traders, and the people generally were thus indirectly clothed and supplied with the delicacies of tea, coffee and sugar, in return for the produce of the field, the dairy and the chicken-coop.

It was at Camp Floyd, indeed, where the principal Utah merchants and business men of the second decade of our history may be said to have laid the foundation of their fortunes, among whom were the Walker Brothers. Nor should it be made to appear that this commerce with Camp Floyd marked the rising of an apostate wave in Utah society. It signified simply the desire of each to better his own condition and that of society at large. And thus commercial intercourse and mutual benefits softened the feelings of hostility between the citizens and the soldiers, and the Utah Expedition became transformed into a great blessing to Utah, and especially to the Mormon community. A passage here, from the New York *Herald's* Utah special correspondent, of the novelties of the Camp Floyd trade, must be quoted for its striking illustration:

"Among the rascalities of those times, contracts were awarded to certain political hucksters at Washington for an enormous quantity of flour to be supplied at $28.40 per 100 pounds, which in the course of time was furnished by the Prophet at $6 in the City of the Saints. That contractor also managed to get an order from the Secretary of War for the specie at Camp Floyd, failing which he was to be paid in mules, and of these he had his choice, at figures ranging from $100 to $150 each. Great bands of these animals were driven to California, and sold on the Pacific at nearly six times their Camp Floyd prices. With such and many other flagrant facts, it is not surprising that the Prophet and the Apostles designated Mr. Buchanan's expedition to Utah in 1857, 'The Contractors' War!'"

The experiment of the Pony Express from the Missouri River to the Pacific Ocean was made in the spring of 1860. The *Deseret News* of date April 11th, made note: "The first Pony Express from the west left Sacramento City at 12 m., on the night of the 3rd instant, and arrived in this city at 11:45 of the 7th, inside of the prospectus time. The express from the east left St. Joseph, Missouri, at 6:30 on the evening of the 3d, and arrived in this city at 6:25 on the evening of the 9th. This brings us within six days' communication from the frontier and seven from Washington—a result which we Utonians, accustomed to receive news three months after date, can well appreciate."

Among the first news brought was that a bill was before the House to amend the organic act of this Territory, remove the seat of government from Great Salt Lake City to Carson Valley, and change the name from Utah to Nevada. The object stated was to take the controling power out of the hands of the Mormons of Utah, and give it into the hands of the Gentiles of Nevada.

In May of this year the mass of the troops from Camp Floyd took up their march for New Mexico and Arizona. Only a few were left to perform the requisite duties of the garrison.

Just previous, General Albert Sidney Johnston left Camp Floyd for Washington, *via* the southern route to California. He never visited Great Salt Lake City

after he passed through it with his army. General Johnston and Brigham Young therefore never met. After his departure the command devolved upon Colonel Philip St. George Cooke, who by a general order February 6th, 1861, changed the name of Camp Floyd to Fort Crittenden. The intent was understood to disconnect the fort from the name of Secretary Floyd, whose plot for secession was exposed, and his Utah Expedition, sinking twenty millions of the nation's money, considered to be a part of that secession plot.

In May, 1861, just previous to the outbreak of our great civil war, Governor Cumming and his lady departed from Great Salt Lake City with no expectation of returning. He had entered the city amid great display of welcome, and fain had the city shown him and his lady like honors in their retirement, but it was against his wish; so his departure was not generally known until it was announced in the *Deseret News*, in which the thanks of a grateful community were sent after him for the faithful performance of his service towards them and to the General Government.

The remainder of Johnston's army was ordered to the States to participate in the war; and the order was given to destroy the best equipped military post ever established in the West. But before the evacuation and destruction of arms, public sales were announced of provisions and army stores of every kind. Many went from Great Salt Lake City and the nearer settlements to purchase these valuable supplies, which were sold by auction, and consisted of flour, bacon, groceries of all kinds, hardware, carpenters' tools, blacksmiths' tools, wagons, harness, tents, medical stores, clothing, and, in fine, everything the settlers most needed. It was estimated that four million dollars' worth of goods were sold for $100,000. Flour sold for 52 cents per sack of 100 lbs. in double sacks, for which the Government had paid $28.40. Everything else was in proportion.

President Young sent his business manager, Mr. H. B. Clawson, to purchase all kinds of supplies most needed for his numerous family, dependents and workmen. He bought about $40,000 worth, among which was the Government safe, where had been deposited $80,000 in gold, which the Government had freighted to Camp Floyd in an ox team.

But the most historical article was the flagstaff, which was transplanted from Camp Floyd to the brow of the hill on the east of Brigham's mansion, where for many years it stood, though now seen no more.

During the sale Mr. Clawson, in his character of ex-Governor Young's business manager, became familiarly acquainted with Quartermaster Col. H. G. Crossman and other officers, to whom he extended a courteous invitation to visit President Young before their departure from the Territory. They politely accepted, and seized the opportunity to present to the Founder of Utah the flagstaff which had borne aloft the national banner at Camp Floyd. At such a moment of secession, the gift was a magnificent compliment to the ex-Governor, and, indeed, to the Mormon people also; but Philip St. George Cooke, the commander of the Mormon Battalion, was in command after the departure of General Johnston, and perhaps he and others of the officers had revised their views of the "Utah rebellion."

After the sales were over, the arms and ammunition were taken to a distance

and piled up in pyramids; long trains of powder were then properly arranged, and at a given signal the fusee was touched and the work of destruction accomplished. Several pieces of ordnance that could not be exploded were consigned to deep wells; but it is said that they were recovered and that they have often since done good service in the celebration of the Fourth of July, in honor of the national birth, and of the Twenty-fourth of July, in honor of the arrival of the Pioneers into these valleys and the founding of Great Salt Lake City.

In the early autumn of 1861 the troops marched Eastward, and thus ended the famous Utah expedition.

The change of Federal administration incident to the election of Abraham Lincoln, also, in due course of time gave to Utah a new set of Federal officials. Excepting the Governor, these proved to be more acceptable to the people than their predecessors had been. Secretary Wooton, after the departure of Governor Cumming, on the first announcement of secession sent in his resignation to President Lincoln. John W. Dawson, of Indiana, was then appointed Governor; Frank Fuller, of New Hampshire, Secretary; John F. Kinney, who had already been Chief Justice of this Territory, replaced Chief Justice Eckles; and Associate Justices Crosby and Flenniken were appointed to succeed Sinclair and Cradlebaugh. Secretary Fuller arrived before Governor Dawson, and, on the retirement of Mr. Wooton, Fuller also became acting Governor. James Duane Doty was Superintendent of Indian Affairs. It was said that these appointments were designed by President Lincoln to conciliate ex-Governor Young and the Mormons at the outbreak of our civil war. Whether this was so or not, it is no more than just to here record that, notwithstanding the anti-Mormon attitude of the party that elevated Mr. Lincoln to the Presidency, his course towards Utah was uniformly considerate.

Governor Dawson arrived and entered happily upon his official duties, but he soon fell into temptation, and his gallantries towards a lady of the city becoming exposed, he hastily departed, and Secretary Fuller a second time became the acting Governor.

About the middle of October, 1861, the eastern portion of the Pacific Telegraph Line was completed to Great Salt Lake City. The following record of the event is from the *Deseret News* of October 23:

"On Thursday afternoon the 'operator' connected with the eastern portion of the telegraph line informed the visitors who had gathered around his table to witness the first operations in communicating with the Eastern States, that the 'line was built,' but for some reason there was no through message either sent or received till the following day.

"The first use of the electric messenger being courteously extended to President Young, he forwarded the following congratulations to the President of the Company:

"GREAT SALT LAKE CITY, U. T., Oct. 18, 1861.

"*Hon. J. H. Wade, President of the Pacific Telegraph Company, Cleveland, Ohio.*

"SIR—Permit me to congratulate you on the completion of the Overland

Telegraph line west to this city, to commend the energy displayed by yourself and associates in the rapid and successful prosecution of a work so beneficial, and to express the wish that its use may ever tend to promote the true interests of the dwellers upon both the Atlantic and Pacific Slopes of our continent.

"Utah has not seceded, but is firm for the Constitution and laws of our once happy country, and is warmly interested in such useful enterprises as the one so far completed.

BRIGHAM YOUNG."

On Sunday morning the following very becoming reply was received:

"CLEVELAND, Oct. 19, 1861.

"*Hon. Brigham Young, Prest., Great Salt Lake City:*

"SIR—I have the honor to acknowledge the receipt of your message of last evening, which was in every way gratifying, not only in the announcement of the completion of the Pacific Telegraph to your enterprising and prosperous city, but that yours, the first message to pass over the line, should express so unmistakeably the patriotism and union-loving sentiments of yourself and people.

"I join with you in the hope that this enterprise may tend to promote the welfare and happiness of all concerned, and that the annihilation of time in our means of communication may also tend to annihilate prejudice, cultivate brotherly love, facilitate commerce and strengthen the bonds of our once and again to be happy union.

"With just consideration for your high position and due respect for you personally,

"I remain your obedient servant,

J. H. WADE,

*Prest. Pac. Tel. Co.*"

Acting-Governor Fuller made early use of the wire to extend salutations to President Lincoln, of which the following are copies of the congratulations and the acknowledgment:

"G. S. L. CITY, Oct. 18, 1861.

"*To the President of the United States:*

"Utah, whose citizens strenuously resist all imputations of disloyalty, congratulates the President upon the completion of an enterprise which spans a continent, unites two oceans, and connects with nerve of iron the remote extremities of the body politic, with the great governmental heart. May the whole system speedily thrill with the quickened pulsations of that heart, as the paracide hand is palsied, treason is punished, and the entire sisterhood of States joins hands in glad reunion around the National fireside.

FRANK FULLER,

*Acting-Governor of Utah Territory.*"

"WASHINGTON, D. C., Oct. 20, 1861.

"*Hon. Frank Fuller, Acting-Governor of Utah:*

"SIR—The completion of the telegraph to Great Salt Lake City, is auspi-

cious of the stability and union of the Republic. The Government reciprocates your congratulations.

ABRAHAM LINCOLN."

"During the business hours on Friday there was quite an interest in the performances of the electricity, and congratulations over the wire to distant friends were extended in every direction. The day throughout was quite an occasion for the moving celebrities of Main Street.

"The western line, as reported to us, was to have been finished on Monday evening or yesterday morning—a much earlier day than the most sanguine friends of Mr. Street anticipated. The last poles being set to the west of Fort Crittenden, Mr. Street has consequently been detained there, but was expected in this morning, and will doubtless open his battery on the inhabitants of the Pacific during the course of to-day; and thus the inhabitants of the Pacific and Atlantic States will be united in electric bonds.

"Having expressed our sentiments on the building of the telegraph line through the Territory in a recent number of the *News*, we will now only say that the hope is entertained that at no distant day the 'iron horse' may have a track prepared for it across the continent."

As might be expected, the great civil war between the North and the South gave to Utah the opportunity for a unique example in her conduct. She had herself just been "in rebellion"; how would she now act? This was a most natural question, and, strange to say, her answer was almost the reverse of the general pronouncement of what she would do.

And here it might be said that it matters not to the integrity of history whether or not the Mormons be understood by others, as long as they act consistently with themselves, and their own faith in their religious and national mission. We have just seen that on the very first occasion after the "Utah rebellion," as we will style it to illustrate the example, they made haste to re assert their faith in the Constitution and the Union, by celebrating the day of American independence very much with the same intention as though they had sent a manifesto to the States of their views and conduct. And just in keeping with this was the pronouncement of the Mormon leaders upon secession at its very birth, as the accompanying Fourth of July military order will suggest:

HEADQUARTERS NAUVOO LEGION,
G. S. L. CITY, June 25th, 1861.

GENERAL ORDERS, NO. 1.

1. Thursday, the Fourth of July, being the eighty-fifth anniversary of American independence; notwithstanding the turmoil and strife which distress the nation established on that foundation, the citizens of Utah esteem it a privilege to celebrate the day in a manner becoming American patriots and true lovers of the Constitution of their country.

2. The Lieut.-General directs that district commanders throughout the Territory will conform, as far as practicable, to the requisitions of the various committees of arrangements for details.

8. In Great Salt Lake City, at the request of the committee of arrangements, the following details will be made, and placed under the direction of Major John Sharp, marshal of the day, viz:

One company of the 1st, and one of the 3d regiments of infantry.

One company of light artillery and two guns.

Two brass bands and one martial band.

By order of

Lieut.-Gen. D. H. WELLS,
JAMES FERGUSON, Adjt.-Gen.

This military manifesto, just after the national flag had been fired upon at Fort Sumter, meant simply that Utah was going to stand by the Union.

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## CHAPTER XXVIII.

MORMON SERVICE ON THE OVERLAND MAIL LINE. PRESIDENT LINCOLN CALLS ON BRIGHAM YOUNG FOR HELP. THE EX-GOVERNOR'S RESPONSE. BEN HOLLADAY THANKS BRIGHAM. LOT SMITH'S COMMAND. REPORT OF THE SERVICE. GENERAL CRAIG COMPLIMENTS THE MORMON TROOPS.

In the spring of 1862 the Indians were troublesome on the Overland Mail Route and stopped the mails. They destroyed nearly every mail station between Fort Bridger and North Platte, they burned the coaches and mail bags, ran off the stock, and killed the drivers.

Acting-Governor Fuller, Chief Justice Kinney, and six other gentlemen connected with the mail and telegraph lines, joined in recommending to Secretary Stanton to authorize the Superintendent of Indian Affairs, James Duane Doty, to raise and put in service immediately, "a regiment of mounted rangers from the inhabitants of the Territory, with officers to be appointed by him," etc.

But Acting-Governor Fuller and Chief Justice Kinney had over-rated the Federal power in Utah, as embodied in themselves, for such a service, when they overlooked ex-Governor Young, Lieutenant-General Wells and the Utah militia.

Three days after the despatch of Governor Fuller and others to Secretary Stanton, Brigham Young telegraphed to the Utah Delegate at Washington a corrected statement in which he said, "the militia of Utah are ready and able, as they ever have been, to take care of all the Indians, and are able and willing to protect the mail line *if called upon to do so.*"

But ex-Governor Young, however, did not wait even to be called upon for help. The need of the service was too imperative to linger for official etiquette, and to Colonel Robert T. Burton the Commanding-General issued the following

"INSTRUCTIONS.

"G. S. L. CITY, April 24, 1862.

"*Col. Robert T. Burton and the detachment to guard the mail stage under you:*

"You are detailed for this special service, and will proceed from this place in company with Captain Hooper, General C. W. West, Judge Kinney, and probably other passengers in the mail coach for the Eastern States, as a guard to protect them against the depredations of Indians, who are said to be hostile; and continue in their company on the route as far as it may be deemed necessary by yourself and Captain Hooper for their safety. In traveling, the stage must correspond to your time, as it cannot be expected that without change of animals your detachment can keep pace with the stage, especially where the roads are good. You will obtain grain for your animals, and some provisions for your command at the mail stations, for which you will give a receipt to be paid in kind, keeping a copy of each receipt, and advising President Young by telegraph, so that we can forward the amounts by the teams going to the States, which are expected to start in a few days. In traveling be cautious, and vigilant, and keep together and allow no straggling from camp, either night or day. There must not be any drinking of spirituous liquors, neither swearing, or abusive language of any kind, and treat everybody with courtesy, and prove there is no necessity of trouble with the Indians, when white men act with propriety.

"If you can get to speak with Indians, treat them kindly, showing them you are their friends; and so far as you are able, investigate the cause and origin of the present difficulties.

"You had better have one or two friendly Indians to accompany you, through whose agency you may be able to communicate with others, and thus become apprised of their intentions.

"When you meet the troops from the East said to be on their way, you can return, but you will remain in the vicinity of the threatened difficulties until relieved, or so long as it may be necessary.

"* * * Keep a journal of every day's proceedings, and a strict account of every business transaction, as well of the causes leading to the disturbances, if obtainable.

"Send by telegraph to President Young from every station giving us in short the current news, and prospects of Indians, state of the roads, weather, and other matters of interest.

"When you arrive at or near the scene of disaster, feel your way before you, proceed so that you may not be surprised by a concealed or sudden movement of the Indians, or other evil-disposed persons.

"May God bless, prosper and preserve you all.

DANIEL H. WELLS,

"*Lieut.-General Commanding N. L. Militia of Utah Territory.*"

A day later Acting-Governor Fuller made an official requisition for the escort, and the Lieut.-General issued a supplemental order:

"SPECIAL ORDERS, NO. 2.

"HEADQUARTERS NAUVOO LEGION,
"G. S. L. CITY, April 25th, 1862.

"1st. In compliance with the requisition this day made by His Excellency Frank Fuller, Acting-Governor Utah Territory, Col. R. T. Burton will forthwith detail twenty men, properly armed and equipped, and mounted on good and efficient animals, provided with thirty days' rations and grain for animals, and wagons sufficient to carry grain, rations and bedding, and proceed East on the overland mail route, guarding mails, passengers, and property pertaining thereto.

"2d. It is expected that to have the protection of the escort, the mail coaches will travel with it, as it cannot be expected that without change of animals it can keep pace with the mail coaches, especially when the roads are good.

"3d. Colonel Burton will immediately offer his services to said Mail Company, and then proceed upon his journey, and remain on the line until relieved by the troops said to be coming up from the East, or so long as it may be necessary to quiet the Indians, who are said to be hostile, and the road considered safe from their depredations.

"God bless and prosper you all.

DANIEL H. WELLS,
*Lieut.-General Commanding N. L. Militia Utah Territory.*"

But the historical mark extraordinary of this service is seen in the call of President Lincoln on Brigham Young for help, and his authorizing of him to raise a company, just as though he had been still the Governor of Utah:

"ORDER.

"WASHINGTON, April 28th, 1862.

"*Mr. Brigham Young, Salt Lake City:*

"By express direction of the President of the United States, you are authorized to raise, arm and equip one company of cavalry for ninety (90) days' service.

"This company will be organized as follows: One captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four (4) sergeants, and eight (8) corporals, two (2) musicians, two (2) farriers, one saddler, one wagoner, and fifty-six (56) to seventy-two (72) privates.

"The company will be employed to protect the property of the Telegraph and Overland Mail Companies, in or about Independence Rock, where depredations have been committed, and will continue in service only until the U. S. troops can reach the point where they are so much needed. It may therefore be disbanded previous to the expiration of ninety (90) days.

"It will not be employed for any offensive operations other than may grow out of the duty herein assigned to it. The officers of the company will be mustered into the U. S. service by any civil officer of the U. S. at Salt Lake City competent to administer an oath. The men employed in the service above named will be entitled to receive no other than the allowance authorized by law to soldiers in the service of the U. S. Until the proper staff officers for substituting

these men arrive, you will please furnish subsistence for them yourself, keeping an accurate account thereof for future settlement with U. S. Government.

"By order of the Secretary of War.

L. THOMAS,
*Adjutant-General.*"

This telegram was received at 9 o'clock at night, April 28; but, within the hour, the following was issued and immediately in the hands of Major Lot Smith:

"HEADQUARTERS NAUVOO LEGION,
"GREAT SALT LAKE CITY, April 28th, 1862.

"SPECIAL ORDERS, NO. 3.

"1st. Pursuant to instructions received this day from ex-Governor Brigham Young, and in compliance with a requisition from the President of the United States, Major Lot Smith of the Battalion of Life Guards is hereby directed to enlist by voluntary enrollment for the term of ninety days a company of mounted men, to be composed as follows, to-wit: One captain, one first lieutenant, one second lieutenant, one quartermaster sergeant, one first sergeant, four sergeants, eight corporals, two musicians, two farriers, one saddler, one wagoner, and seventy-two privates. Major Smith is hereby assigned to the command of the company with rank of captain, and on mustering the men into service, will administer the proper oath agreeably to instructions herewith accompanying.

"2d. The object of this expedition, to which this company is assigned, as instructed and authorized by the President, is the protection of the property of the Overland Mail and Telegraph Companies, at or about Independence Rock, and the adjoining country. Captain Smith will, therefore, as soon as his company is completed proceed at once to the above named vicinity, and patrol the road so as to render all necessary aid as contemplated by the instructions. It is not anticipated that the company, or any portion of it will camp so near any of the mail stations, as to give trouble or inconvenience; but sufficiently adjacent to render prompt and ready aid when required. Captain Smith is enjoined to preserve strict sobriety in his camp and prevent the use of all profane language or disorderly conduct of any kind. No apprehension is entertained by the General commanding, but that the best and most praiseworthy deportment will characterize the expedition, the officers and men having been selected with care, and with a view to their ability to render good and efficient service.

"3d. Judging from advices received from the President of the United States, troops may soon be expected on the road to relieve the company now ordered out; the commander of the detachment will receive the necessary instructions in proper time, and will remain on duty with his command until so instructed.

"4th. It is desirable to cultivate as far as practicable friendly and peaceful relations with the Indians.

"5th. The service to be expected from the horses and mules on the expedition will be a sufficient argument in favor of great care in marching and feed-

ing, as well as vigilant guarding and precaution against surprises. The greatest economy must be used with ammunition; none should be heedlessly wasted.

DANIEL H. WELLS.

"*Lieut.-General Commanding Nauvoo Legion, Militia of Utah Territory.*"

BRIGHAM YOUNG'S TELEGRAM TO ADJT.-GENERAL L. THOMAS, WASHINGTON, D. C.

"GREAT SALT LAKE CITY, May 1st, 1862.

"*Adjt.-Gen. L. Thomas, U. S. A., Washington City, D. C.:*

"Immediately on the receipt of your telegram of the 28 ult., at 8:30 p. m., I requested General Daniel H. Wells to proceed at once to raise a company of cavalry to be mustered into the service of the United States for ninety days, as per your aforesaid telegram. General Wells forthwith issued the requisite orders, and yesterday the captain and other officers were sworn by Chief Justice J. F. Kinney, the enrolling and swearing in the privates attended to, and the company went into camp adjacent to this city.

"To-day the company, seventy-two (72) privates, officered as directed, and ten (10) baggage and supply wagons, with one assistant teamster deemed necessary, took up their line of march for the neighborhood of Independence Rock.

BRIGHAM YOUNG."

It will be noticed that about a day and a half had elapsed before the return telegram of the ex-Governor was sent answering the call of President Lincoln. At first it might seem that there was a missing link—that a previous answer must have been sent to the effect that the call would be responded to at the earliest moment; but the feature of the case is eminently like the character of Brigham Young. He answered the moment he could say to the President of the United States, Your order *is obeyed;* the company is on the march! Abraham Lincoln was just the man to appreciate such a telegram and such executive business; so was also the great mail contractor Ben Holladay, who became assured the moment he knew that Brigham Young was moving in the service and thus acknowledged:

"NEW YORK, May 2, 1862.

"*To Gov. Brigham Young:*

"Many thanks for your prompt response to President Lincoln's request. As soon as the boys can give protection, the mails shall be resumed. I leave for your city Sunday next.

BEN HOLLADAY."

As a link of the history may be given Chief Justice Kinney's certificate.

"I, John F. Kinney, Chief Justice of the Supreme Court of the United States for the Territory of Utah, do hereby certify, that in pursuance of the following order from the War Department, I mustered into service of the United States for the period of ninety days, unless sooner discharged, the following officers, whose names appear to the certificate by administering the usual oath, and the oath provided by the act of Congress August 6th, 1861."

The following extracts from Major Lot Smith's letters to Brigham Young, give a touch of the performance of the service:

"PACIFIC SPRINGS, June 15th, 1862.

"*Prest. Brigham Young:*

"DEAR SIR—I had an interview with Brig.-Gen. Craig, who arrived by stage at this point. He expressed himself much pleased with the promptness of our attention to the call of the General Government, also the exertions we had made to overcome the obstacles on the road, spoke well of our people generally; he also informed me he had telegraphed to President Lincoln to that effect, and intended writing him at a greater length by mail. I received written instructions to the effect that he had placed the whole of Nebraska Territory under martial law; Utah, he remarked, was perfectly loyal, and as far as he knew always had been. He also remarked, we were the most efficient troops he had for the present service, and thought as we had broke into our summer's work, of recommending President Lincoln to engage our services for three months longer."

"PACIFIC SPRINGS, June 27th, '62.

"*President Young:*

"DEAR SIR—I have just received orders from General Craig through Colonel Collins to march my command to Fort Bridger to guard the line from Green River to Salt Lake City, and start from here to-morrow morning.

"Lieut. Rawlings and command arrived here yesterday; owing to neglect of the mail, my orders to Lieut. Rawlings did not reach him until eight days after they were due, consequently there has been no detail left at Devil's Gate.

"There has been built by the command at the former place a log house 20 feet by 16 feet, with bake houses and detached also a commodious corral.

"Lieut. Rawlins has left the above station of Major O'Farral, Ohio volunteers, but occupied by Messrs. Merchant and Wheeler, traders, who formerly owned the station that was destroyed there; the property is subject to our order at any time. The command also made a good and substantial bridge on Sweetwater; three of our teams crossed over; the mail bridge would have been $200 per wagon, this bridge is free, and also in charge of Major O'Farral. Several emigration companies crossed during the time the command was there, free. One company presented us with a good wagon, which Lieut. Rawlins handed over to Captain Harmon.

"I have had frequent interviews with Col. Collins and officers; they have behaved very gentlemanly, and expressed themselves much pleased with our exertions, and seemed disposed to render us every assistance to contribute to our comfort.

"Col. Collins is decidedly against killing Indians indiscriminately, and will not take any general measures, save on the defensive, until he can ascertain satisfactorily by whom the depredations have been committed, and then not resort to killing until he is satified that peaceable measures have failed.

"Col. Collins and officers all allow we are best suited to guard this road, both men and horses; they are anxious to return, and if they have any influence, I imagine they will try to get recalled and recommend to Utah to furnish the necessary guard. The Colonel has just left our camp, he has sent for Washakie, chief of the Snakes, with a view to make treaty or obtain information. No

sickness at all in camp at present. We are attached to Col. Collins' regiment, Gen. Craig's division, and furnish our muster, descriptive and other returns to that command. Should General Wells require duplicates, we will forward them.

I am sir, yours respectfully,

LOT SMITH."

"DEER CREEK, May 16, 1862.

"GOVERNOR FULLER—My detachment arrived here yesterday at 3 p.m., encountering no difficulty, save that caused by the mud, snow, etc. We have seen no Indians on the route; found all the mail stations from Green River to this point deserted, all stock having been stolen or removed, and other property abandoned to the mercy of the Indians or white men. We found at the Ice Spring station, which had been robbed on the night of the 27th, a large lock mail—twenty-six sacks, a great portion of which had been cut open and scattered over the prairie. Letters had been opened and pillaged, showing conclusively that some renegade whites were connected with the Indians in the robbery. The mail matter, after being carefully collected and placed in the sacks, I have conveyed to this point, also ten other sacks of lock mail, from the Three Crossings: all of which will be turned over to the mail agent at Laparie1. Twenty miles from this, we will meet men from the East for this purpose. The United States troops from the East will be in this vicinity to-morrow; and, unless otherwise directed by yourself or General Wells, I will return immediately, halting on the Sweet Water to investigate still further the causes of the difficulty, as I have not been able to learn who or what Indians positively have been engaged in the matter; but suppose it to be about thirty renegade Snakes and Bannacks from the north. Some of the party spoke English plainly, and one the German language. Hon. W. H. Hooper and Mr. C. W. West will take passage in the coach that comes for the mail.

R. T. BURTON, *Commanding*."

General Burton supplements this with the following:

"This year (1862) will be remembered as the season of the highest water ever experienced in the mountains; as a consequence travel (over the mountains) was almost impossible. Some idea may be formed of this matter from the fact that it took this command, with all their energy and exertion, nine days to go to Fort Bridger, a distance of only 113 miles from Salt Lake. Most of our wagons had to be dispensed with at Fort Bridger, at which point we proceeded mainly with pack animals. It is proper, also, to state that we received from the Government officers stationed at the military fort at Fort Bridger, provisions, tents, camp equipage, etc., all that was within their power to grant. From this point (Fort Bridger) all the mail stations were abandoned, many of them burned, some of the coaches still standing upon the road riddled with bullet holes from the attack made by the Indians at the time the drivers and passengers were killed. In some of the mail stations west of the Devil's Gate we found large numbers of mail sacks which had been cut open by Indians and the contents scattered over the ground, which were carefully picked up by my company and carried on to the

North Platte and turned over to the mail contractor at that point. The coaches were enabled to come west as far as Lapariel Station, a distance of some thirty miles east of the Platte.

"The expedition was one of the most hazardous and toilsome we were ever called upon to perform, but succeeded admirably without the loss of a man or animal. Returned to Salt Lake City thirty days from the time of starting and were mustered out of service by Governor Fuller."

## CHAPTER XXIX.

UTAH AGAIN ASKS ADMISSION INTO THE UNION AS A STATE. THE HISTORY AND PASSAGE OF THE ANTI-POLYGAMIC BILL IN THE HOUSE AND SENATE. THE BILL SIGNED BY ABRAHAM LINCOLN. PRESENTATION TO CONGRESS OF THE CONSTITUTION OF THE "STATE OF DESERET."

At this juncture, in the spring of 1862, it is worthy of special notice that Utah was again asking admission into the Union. The Legislature of the proposed "State of Deseret" was then in session. Hons. Wm. H. Hooper and George Q. Cannon were elected senators; the former with the memorial and constitution, went east under the escort of Colonel Burton and his troop; and a despatch was sent to Apostle Cannon, who was then in England, requesting him to join Mr. Hooper in Washington early in June, which he did. The senators-elect labored diligently in Washington during the remainder of that session of Congress, and, notwithstanding that Utah was not admitted to statehood, she provoked much respect from members of Congress over her conduct at that moment, when it was thought by no inconsiderable portion of the world that the issues of the war would be won by the South. It was universally understood at that time that the sympathies of France and England were with the Southern Confederacy.

It is due to the history to here affirm something of the political views of Utah relative to the Union. Delegate Hooper, December 16th, 1860, in a letter to Apostle George Q. Cannon, said:

"I think three-quarters of the Republicans of the House would vote for our admission; but I may be mistaken. Many say they would gladly 'swap' the Gulf States for Utah. I tell them that we show our loyalty by trying to get in, while others are trying to get out, notwithstanding our grievances, which are far greater than any of the seceding States; but that I consider we can redress our grievances better in the Union than out of it."

Now it was with just this view before them that the people of Utah again sought admission into the Union as a State in the spring and summer of 1862.

Ex-Governor Young and his compeers who were proud that so many of their sires were among the men who founded this nation, and then, in a later generation, won for it independence, held, as we see in every view, that the South committed a grave error in seceding. They affirmed that the Southern States should have fought out their issue inside the Union, and under the sanction of the Constitution. They did wrong, the people of Utah thought, in setting up a new confederacy, and firing upon the old flag, thus tarnishing the bright integrity of their cause.

The Mormon view of the great national controversy then, was, that the Southern States should have done precisely what Utah did, and placed themselves on the defensive ground of their rights and institutions, as old as the Union. And it is worthy of special note in the political record of Utah that her Delegate advocated the Union doctrine at the capitol and condemned secession, during the term of the last Congress preceding the dissolution, offering Utah as a political example with words that deserve to be imperishable in history: "We can redress our grievances better in the Union than out of it."

In the House of Representatives, April 8, 1862, Mr. Morrill, of Vermont, by unanimous consent, introduced a bill to punish and prevent the practice of polygamy in the Territories of the United States, and for other purposes, and to disapprove and annul certain acts of the Legislative Assembly of the Territory of Utah; which was read a first and second time, and referred to the Committee on Territories.

April 28.—Mr. Ashley, from the Committee on Territories, reported back, with a recommendation that it do pass, a bill (H. R. No. 391) to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Territorial Legislature of Utah.

The bill was read.

*Mr. Morrill*, of Vermont. I desire to say to the House that this is the identical bill passed about two years ago, when there was an elaborate report made by a gentleman from Tennessee, Mr. Nelson, and when it received the almost unanimous support of the House. The only difference between the two bills is this: that bill excepted from its provisions the District of Columbia, and that exception is stricken out in this bill. I presume there is no member of the House who is desirous to discuss this measure, and I move the previous question.

*Mr. Maynard.* I ask the gentleman from Vermont to allow me to suggest a single verbal amendment, rather a matter of taste than otherwise.

*Mr. Morrill*, of Vermont. I will hear the suggestion.

*Mr. Maynard.* It is to strike out the word "nevertheless" in the proviso to the first section. It has no business there; it is surplusage.

*Mr. Morrill*, of Vermont. Well, if the gentleman from Tennessee says that "nevertheless" has no business there, I presume he is right; and I have no objection to the amendment.

*Mr. Maynard.* I offer the amendment. I have no speech to make about it.

The amendment was agreed to.

*Mr. Cradlebaugh.* I ask the gentleman from Vermont to allow me to offer an amendment.

*Mr. Morrill,* of Vermont. I prefer to have the bill pass as it is.

*Mr. Cradlebaugh.* I think if the gentleman understood the character of the amendment he would not object. It is merely to correct the bill, and not for the purpose of throwing any impediments in the way of its passage. The bill, in its present shape, does not amount to anything.

The *Speaker.* Does the gentleman withdraw the demand for the previous question?

*Mr. Morrill,* of Vermont. I decline to do so.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

*Mr. Morrill,* of Vermont. I move the previous question on the passage of the bill.

*Mr. Biddle.* Is all debate necessarily cut off at this time?

The *Speaker.* It will be if the previous question is sustained.

*Mr. Biddle.* There are some of us who would like to hear debate, if not to participate in it.

The *Speaker.* Does the gentleman withdraw the demand for the previous question?

*Mr. Morrill,* of Vermont. I decline to do so, and call for tellers.

Tellers were ordered; and Messrs. Cox and Chamberlain were appointed.

The House divided; and the tellers reported—ayes sixty-five, noes not counted.

So the previous question was seconded.

The main question was ordered to be put; and being put, the bill was passed.

In the Senate, June 3d—

*Mr. Bayard.* I move to take up House bill No. 391. It was reported back from the Committee on the Judiciary, with amendments, about three weeks ago. It is a bill that ought to be acted upon.

The motion was agreed to; and the bill (H. F. No. 391) to punish the practice of polygamy in the Territories of the United States, and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah, was considered as in committee of the Whole.

The amendment of the Committee on Judiciary was to strike out all after the enacting clause, and insert, as a substitute:

That every person having a husband or wife living, who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in the cases specified in the proviso to this section, be adjudged guilty of bigamy, and upon conviction thereof, shall be punished by a fine not exceeding $500, and by imprisonment for a term not exceeding five years: *Provided nevertheless,* That this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years without being

known to such person within that time to be living; nor to any person by reason of any former marriage which shall have been dissolved by the decree of a competent court; nor to any person by reason of any former marriage which shall have been annulled or pronounced void by the sentence or decree of a competent court on the ground of nullity of the marriage contract.

SEC. 2. *And be it further enacted*, That the following ordinance of the provisional government of the State of Deseret, so called, namely: "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints," passed February 8, in the year 1851, and adopted, re-enacted, and made valid by the Governor and Legislative Assembly of the Territory of Utah, by an act passed January 19, in the year 1855, entitled, "An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, their publication and distribution," and all other acts and parts of acts heretofore passed by the said Legislative Assembly of the Territory of Utah, which establish, support, maintain, shield, or countenance polygamy, be, and the same hereby are, disapproved and annulled: *Provided*, That this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned, nor with the right "to worship God according to the dictates of conscience," but only to annul all acts and laws which establish, maintain, protect, or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations, or other contrivances.

SEC. 3. *And be it further enacted*, That it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the Territorial government of a greater value than $100,000; and all real estate acquired or held by any such corporation or association contrary to the provisions of this act, shall be forfeited and escheat to the United States: *Provided*, That existing vested rights in real estate shall not be impaired by the provisions of this section.

*Mr. Bayard.* I will state, very briefly, the difference between the bill as proposed to be amended by the Judiciary Committee, and the bill as passed by the House of Representatives. The bill of the House is intended to punish the crime of polygamy, or bigamy properly speaking, when committed in any Territory of the United States; but, in point of fact, it goes beyond that—it punishes cohabitation without marriage. The committee, in their amendments, have so altered the first section as to provide for the punishment of the crime of bigamy, leaving the punishment for a similar offense, where marriage had been contracted elsewhere, to the State where it was contracted. We thought that clearly preferable, and that it would be of no utility to carry the act beyond the evil intended to be remedied, which was to put down polygamy, as a part of the recognized legal institutions of Utah.

There is a mistake in printing as to the second section. The second section of the bill is not altered at all; we leave it precisely the same as it was in the original bill. It repeals the ordinance of Utah, commonly called "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints." It is precisely in

words like the second section of the House bill, which is not altered in any respect.

The third section is an amendment of the committee, and it is in the nature of a mortmain law. The object is to prevent the accumulation of real estate in the hands of ecclesiastical corporations in Utah. Though that Territory is large, the value of real estate is not of large amount; and the object of the section is to prevent the accumulation of the property and wealth of the community in the hands of what may be called theocratic institutions, inconsistent with our form of government. In my own judgment it would be wiser to limit the amount of real estate that could be held by any corporation of that character in a Territory, to the value of $50,000, I think $100,000 is too much. I am satisfied that there is great danger in that Territory, under its present government, that the ecclesiastical institutions which prevail there will ultimately become the owners in perpetuity of all the valuable land in that Territory, and so afford a nucleus for the permanence of their general institutions unless a stop be put to it by act of Congress.

I have now stated the provisions of the amendment as proposed by the committee. The first section of the bill is altered so as to punish the crime of bigamy, but leaving the question of cohabitation or mere adultery apart from the crime of bigamy, without reference to any action of Congress. The second section is exactly the same as the section in the House bill. The third section is a new one, the object of which is to operate in the nature of a mortmain law, to prevent the entire property of that Territory being accumulated in perpetuity in the hands of a species of theocratic institutions.

The amendment was agreed to.

*Mr. Hale.* I shall probably vote for the bill; but I should like to know from the chairman of the committee if its provisions are not inconsistent with——

*Mr. Bayard.* I move to strike out "$100,000" and insert "$50,000," in the third section.

*Mr. Hale.* I will wait until that is decided.

*Mr. Bayard.* I make that motion.

The *Vice President.* The Senator's motion is not now in order, the amendment of the committee having been adopted. It will be in order when the bill shall have been reported to the Senate.

*Mr. Hale.* I was only going to say that I had been looking at a decision of the Supreme Court in which the rights of Congress over the Territories are examined with some care, and it occurred to me that possibly the provisions of this bill might be inconsistent with some of the doctrines and dogmas of that decision. I refer to a case decided in the Supreme Court at the December term of 1856, entitled, "Dred Scott vs. Sandford," and the doctrine was pretty thoroughly gone over in that decision as to how far the powers of Congress extended over the Territories. It strikes me that by analogy this bill infringes upon that decision, for I remember that one of the exponents of the true faith on this floor used to illustrate this dogma at least as often as once a month by saying that the same law prevailed as to the regulation of the relations of husband and wife, parent and child, and master and servant. I think at least once a month for years that was proclaimed to be the law. If the national Legislature have no more power

over the relations of husband and wife—and that seems to be the one touched here—than over master and slave, it seems to me that if we mean to maintain that respect which is due to so august a tribunal as the Supreme Court of the United States, we ought to read the Dred Scott decision over again, and see if we are not in danger of running counter to it. It strikes me decidedly that we are; and at this time when there is so much necessity for invoking all the reverence there is in the country for the tribunals of the country, it seems to me we ought to tread delicately when we trench upon things that have been so solemnly decided by the Supreme Court as this has. But, as the gentleman who reports the bill is a member of the Judiciary Committee, if it is clearly his opinion that we can pass this bill without trenching upon the doctrine of tne Dred Scott decision, I shall inter pose no objection.

*Mr. Bayard.* I will not be drawn into any argument. It is sufficient to say that I have read the decision to which the honorable Senator alludes, I think with some care, and in my judgment this bill is entirely within its principles as well as within the decision itself. I cannot see the contrariety. I shall not enter into the argument now. To me it is very palpable that the bill is within the power of Congress and is necessary legislation.

The bill was reported to the Senate.

*Mr. Bayard.* I propose now in the fifth line of the third section to strike out "one hundred" and insert "fifty," so as to make the limitation of real estate held by an ecclesiastical corporation, $50,000.

The amendment to the amendment was agreed to.

The amendment made as in the Committee of the Whole, as amended, was concurred in.

*Mr. McDougall.* It may not be considereed a very judicious thing to object to this measure here, but I feel called upon to do it. There is no Senator, I think, who objects more strongly than I do to the vicious practice that obtains in the Territory of Utah; but I think we have just at this time trouble enough on our hands without invoking further trouble. We have had our communication with California cut off by the Indians on the line of communication. We have already had a Utah war that cost the Government a large amount of money. We are to have a controversy with them as to their admission as a State. They are clamoring for that now. In my judgment, no particular good is to be accomplished by the passage of this bill at present. When the time does come that our communication across the continent is complete, then we can take jurisdiction where we have power, and can employ power for the purpose of correcting these abuses. I suggest to gentlemen, in the first place, that they cut off most likely the communication across the continent to our possessions on the Pacific by a measure of legislation of this kind, which will be well calculated to invite, certainly will invite, great hostility, and interfere with the general interests of the country. It will cost the Government a large amount if communication is interfered with, and do no substantial good. I do not think the measure at this time is well advised. It is understood its provisions will be a dead letter upon our statute-book. Its provisions will be either ignored or avoided. If Senators will look the question fairly in the face, and consider how important it is that we should have no difficulties now on our

western frontier between us and the Pacific, how poorly we can afford to go into the expenditure of a large amount of money to overcome difficulties that will be threatened on the passage of this bill, and then consider the little amount of substantial good which will result from it, I think they will hesitate before they pass it. The impolicy of its present passage will cause my colleague and self, after consultation, to vote against the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

*Mr. Howard.* I ask for the yeas and nays on the passage of the bill.

*Mr. Sumner.* I was about to make the same request.

The yeas and nays were ordered, and being taken, resulted—yeas 37, nays 2: as follows:

*Yeas*—Messrs. Anthony, Bayard, Browning, Chandler, Collamer, Cowan, Davis, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howard, Howe, King, Lane of Indiana, Lane of Kansas, Morrill, Rice, Saulsbury, Sherman, Simmons, Stark, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Wilkinson, Willey, Wilmot, Wilson of Massachusetts, and Wright—37.

*Nays*—Messrs. Latham and McDougall—2.

So the bill was passed.

The title was amended so as to read, "A bill to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah."

In the House of Representatives, June 5, 1862—

*Mr. Morrill*, of Vermont. I ask the unamimous consent of the House to take up and consider at this time the amendments of the Senate to an act (H. R. No. 391) to punish and prevent the practice of polygamy in the Territories of the United States and other places, and annulling certain acts of the Legislative Assembly of the Territory of Utah.

Objection was made.

*Mr. Moorhead.* I ask the unanimous consent of the House to introduce a resolution of inquiry.

*Mr. Wickliffe.* I object.

*Mr. Bingham.* I call for the regular order of business.

In the House of Representatives, June 17, 1868—

The Speaker laid before the House bill of House (No. 391) to punish and prevent the practice of polygamy in the Territories of the United States and other places, disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah—reported from the Senate with amendments.

The *Speaker.* The bill and amendments will be referred to the Committee on Territories.

*Mr. Morrill*, of Vermont. I object to these bills being taken up for reference. There is no necessity for the reference of this bill.

The *Speaker.* The order has been made.

*Mr. Morrill*, of Vermont. I move to reconsider the vote by which the order was made; and on that motion I demand tellers.

Tellers were ordered; and Messrs. Morrill, of Vermont, and Olin were appointed.

The tellers reported—ayes sixty-eight, noes not counted.

So the motion to reconsider was agreed to.

In the House of Representatives, June 17—

The next bill taken up was (H. R. No. 391) to punish the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah, with Senate amendments.

The amendments were read.

*Mr. Phelps*, of Missouri. I think, Mr. Speaker, that this is rather hasty legislation. I should not be at all surprised if it were ascertained that the Catholic Church in the city of Santa Fe owns real estate to the amount of more than fifty thousand dollars under grants made by the Mexican Government. I was about to submit a motion that the bill be referred to the Committee on the Judiciary. I recollect very well that, in the hurry and haste of legislation, a bill passed the House to prohibit polygamy in the Territories, which indirectly sanctioned it within the District of Columbia, or inflicted no punishment for it here. I desire that this matter shall be critically examined, and therefore I think it should be referred to the Judiciary Committee.

*Mr. Morrill*, of Vermont. I am perfectly willing that the bill shall be passed over informally until the gentleman from Missouri can inform himself on the subject.

*Mr. Phelps*, of Missouri. I have no objection to letting the bill remain on the Speaker's table. Let the amendments be printed, and let us know what we are legislating upon.

*Mr. Morrill*, of Vermont. I have no objection to that.

It was so ordered.

In the House of Representatives, June 24, 1862—

An act, (H. R. No. 391) to punish the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah, with Senate amendments thereon.

*Mr. Morrill*, of Vermont. I desire to say, in reference to the objection made by the gentleman from Missouri [Mr. Phelps] last week, to one of the provisions of this bill, that I understand the Roman Catholic church at Santa Fe has property exceeding $50,000 in amount, but that is protected under treaty stipulations. His objection, therefore, is not valid. I now move the previous question on concurring with the Senate amendments.

The previous question was seconded, and the main question ordered.

The amendments were read.

The amendments of the Senate were concurred in.

Mr. Morrill of Vermont moved to reconsider the vote by which the amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

In the House of Representatives, June 30, 1862—

Mr. Granger, from the Committee on Enrolled Bills, reported as a truly enrolled bill an act (H. R. No. 391) to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah.

In the House of Representatives, July 2, 1862—

A message was received from the President of the United States, informing the House that he had approved and signed an act (H. R. 391) to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah.

In the House of Representatives, on the 9th of June, 1862, Hon. J. M. Bernhisel, Delegate from Utah, presented the Constitution of the State of Deseret and the memorial accompanying it, asking for admission into the Union on an equal footing with the original States, which were received and referred to the Committee on Territories. On the 10th the Vice-President presented the same in the Senate, when Mr. Latham, of California, moved to print the constitution and memorial, and to admit the senators-elect, Messrs. W. H. Hooper and George Q. Cannon to the floor of the Senate, which motion was referred to the committee on Territories, in that branch of the National Legislature. The next day Mr. Latham offered a resolution to admit Messrs. Hooper and Cannon, claiming to be senators from Deseret, to the floor of the Senate, which was laid over.

## CHAPTER XXX.

FOURTH OF JULY PROCLAMATION BY THE CITY COUNCIL. THE CITY'S LOYALTY. THE TWO GOVERNORS. GREAT SPEECH OF GOVERNOR HARDING. THE CITY HONORS THE CALIFORNIA SENATOR. THANKSGIVING PROCLAMATION. A CHANGE IN GOVERNOR HARDING'S CONDUCT.

Great Salt Lake City this year deemed it a duty to make special call for the Fourth of July, whereas, formerly, either the Governor of the Territory, or the Lieutenant-General of the militia, made proclamation and gave the order of the day. It signified that Salt Lake City was, with well-considered formality, making a record that it upheld the Union as an everlasting covenant of the

American States. The following Preamble and Resolutions were passed by the City Council of Salt Lake City, June 28th, 1862:

"*Whereas*, While we lament the deplorable condition of our once happy country, the independence of which was purchased by the best blood of our sires, we hail with pleasure the approaching anniversary of the birthday of the Nation, and in view of perpetuating our free and liberal institutions which have for so long a time inspired the patriotism of every true American citizen, and the strangers of other climes, who have sought an asylum under the protecting ægis of our glorious Constitution; therefore,

"*Resolved*, That we will celebrate the eighty-sixth anniversary of our National independence.

"*Resolved*, That a committee of five be appointed, in behalf of the City Council, to arrange the programme and order of celebration.

"*Resolved*, That Lieutenant-General Wells and staff be respectfully solicited to co-operate in the celebration of the day, with such of the military of the district, and the several bands, as may be deemed proper.

"*Resolved*, That the State, Federal, Territorial and County officers be invited to take part in the celebration and join in the procession, and that the invitation be extended to strangers and citizens generally, to participate in the ceremonies at the Bowery.

"The following appointments for the occasion were then made, viz:

"Committee of Arrangements: Messrs. Wm. Clayton, J. C. Little, Theodore McKean, Enoch Reese, and Nathaniel H. Felt.

"Furnishing Committee: Alonzo H. Raleigh, Elijah F. Sheets, and Isaac Groo.

"Marshals of the Day: Col. Robert T. Burton and Majors John Sharp and Andrew Cunningham.

ROBERT CAMPBELL, *City Recorder*."

On the 7th of July Stephen S. Harding of Indiana, the new Governor of Utah Territory, arrived in the city and received a hearty welcome; Judges Waite and Drake arrived a few days later.

The Pioneer Day of this year was celebrated with a grand pageantry and extraordinary enthusiasm. The procession halted in front of ex-Governor Young's mansion, where with his counselors, H. C. Kimball and Daniel H. Wells, he joined it, accompanied by Governor Harding, Secretary Fuller, Judges Waite and Drake, Superintendent Doty, Mr. Fred Cook, assistant treasurer of the Overland Mail Co., Mr. James Street, of the U. P. Telegraph Co., and H. S. Rumfield, Esq. It may be said that the "forces of the Gentiles" united this year to celebrate the anniversary of the Utah Pioneers. It was computed that there were under the branches of the "Old Bowery" five thousand persons, besides the thousands congregated outside. The most unique feature of the day was the introduction and speech of Governor Harding.

Governor Young invited Governor Harding to address the people; and on the two Governors taking the stand, there was a perfect stillness in the vast assembly; but, on Governor Young saying, "I have the pleasure of presenting

Governor Harding, who will make a speech," the stillness of the multitude was broken and the Governor was greeted with cheering.

SPEECH OF GOVERNOR HARDING.

"FELLOW CITIZENS—And in that word, I mean all of you, of all ages, sexes and conditions—I am pleased at being with you to-day, and of being introduced in the agreeable manner you have just witnessed. I have desired the opportunity of looking upon such a vast concourse of the people of Utah, at one time; and, as such an occasion now presents itself, it is right and proper that I should say a few things to you.

"You have doubtless been informed before now that the President of the United States, by and with the advice and consent of the Senate, has appointed me to the office of Governor of this Territory. I have come amongst you to enter upon the discharge of the high and important duties that have devolved upon me, and when I greatly distrust my own ability, yet I cannot but hope that, with your assistance, I shall be able to discharge those duties to your satisfaction, and with strict fidelity to the Government, whose servant I am.

"If I know my own heart, I come amongst you a messenger of peace and good will. I have no wrongs—either real or imaginary, to complain of, and no religious prejudices to overcome—[applause]. Believing, as I do, that the Constitution of the United States secures to every citizen the right to worship God according to the dictates of his own conscience; and holding, further, that the Constitution itself is dependent for its support and maintenance on the preservation of that sacred right, it follows, as a corollory, that, under no pretext whatever, will I consent to its violation in this particular, by any official act of mine, whilst Governor of this Territory—[tremendous applause.]

"In a Government like ours, based upon the freest exercise of conscience, religion is a matter between man and his Maker, and not between man and the Government, and for the honest exercise of duties inculcated by his religious faith and conscience, so long as he does not infringe upon the rights of others, equally as sacred as his own, he is not responsible to any human tribunal, other than that which is found in the universal judgment of mankind [hear hear]. If the right of conscience of the minority depended upon the will of the majority, then, in a government like ours, that same minority in a future day might control the conscience of the majority of to-day—when by superior cunning and *finesse* a political canvass had been won in its favor, and thus alternately would it be in the power of either when elevated to the seat of the law-makers to impose a despotism upon the conscience of its adversary only equalled by the 'Index Expurgatoris' against which the Protestant world so justly complained [applause].

"It has long been a maxim and accepted as true by our people, 'That it is safe to tolerate error, so long as truth is left free to combat it.' Who are in error, and in what that error consists in matters of speculative theology, are questions only cognizable at the bar of heaven. It has been the fate of propogandists of new ideas and religious dogmas, without regard to their truth or falsity, to meet with opposition, often ending in the most cruel persecution. Hoary-headed error, claiming for itself the immunity of ages, glares with jaun-

diced eyes upon all new ideas, which refuse to pay to it its accustomed homage. I know of no law of the human mind that makes this age an exception to the rule. Nevertheless, he who founds his ideas and theories on truth, correlative with his physical and spiritual being, and consequently in harmony with the law of nature, must ultimately succeed; whilst he who builds upon falsehood must share the fate of him who built his house upon the sand. This is not only a declaration of divine truth, but is in accordance with all human experience. The great highway of man's civilization and progress is strewn with the wrecks of a thousand systems—once the hope of their founders and challenging the confidence of mankind [hear, hear]. But I must limit this dissertation, and will sum up in a few words what I have intended to say on this branch of the subject.

"The founders of our Constitution fully comprehended these ideas which I have so briefly glanced at, and they clothed the citizen with absolute immunity in the exercise of his rights of conscience, and thence the protecting shield of the Constitution around him, and over him, in all the diverging paths that lead the enquirer in his researches after truth in the dim unknown of speculative theology.

"But I must not detain you, I leave this part of the subject, and address myself to the occasion that has called together this mighty multitude.

"On every hand I behold a miracle of labor. Fifteen years ago to-day, and your Pioneers, by their heroism and devotion to a principle, consecrated this valley to a civilization wonderful 'to the stranger within your gates,' and in the developments of which a new era will be stamped not only upon the history of our own country, but on the world. You have indeed 'caused the desert to blossom as the rose.' Waving fields of gold; gardens containing all that is necessary for the comfort of civilized man; 'shrubberies that a Shenstone might have envied;' orchards bending beneath the promise of most luscious fruit,—now beautify the fields which your industry has filled with new life, and where but fifteen years ago the genius of solitude, from yon snow-capped peak, stood marking on her rocky tablets the centuries of desolation and death that rested on these same fields, since the upheaval force of nature formed the mighty zone that separates the two oceans that wash the shores of our continent.

"Wonderful progress! wonderful people! If you shall be content, as I doubt not you will be, to enjoy the blessings with which you are surrounded, and abide your time, and enjoy your privileges under a benign and just government, '*Imperium in Imperio*' and not attempt to reverse this order of things absolutely necessary under our form of government; and above all things, if you will act up to the line of your duty contained in that one grand article of your faith, '*We believe in being honest, true, chaste, temperate, benevolent, virtuous and upright, and in doing good to all men,*' you cannot fail to obtain that ultimate success [applause] which is the great desideratum of your hopes. Honestly conform to the standard of your creed and faith, and though you may for a time be 'cast down,' you cannot be destroyed [great applause]; for the power of the Eternal One will be in your midst, though no mortal eye may behold the 'pillar of cloud and of fire' [applause]. As the Great Master of sculpture gathered and combined all the perfections of the human face into one divine model, so you, in

that one grand article, have bound into one golden sheaf, all the Christian virtues that underlie our civilization.

"But this must suffice. I, perhaps, have said more than I ought to have said, and yet I cannot see how I could have said less. If my words shall be as kindly received by you as they have been honestly and frankly uttered by me, and we will act accordingly, my mission among you cannot fail of being alike profitable to you and to the government that I represent [hear, hear].

"This is the hour when your loyalty to our common country is most acceptable and grateful to the heart of every patriot. Be but content and abide your time, and your reward will be as great as it is certain. Duty to ourselves, to our God and our country calls upon us to cast aside every prejudice and to rally around the Constitution and the flag of our fathers, and if need be, to baptize them anew with our own blood. The Constitution will not perish, that flag will not trail in the dust, but they will both come out of the present fiery ordeal, redeemed, regenerated, and disenthralled, by the genius of universal liberty and justice [great applause]."

In view of Governor Harding's subsequent course the foregoing speech will presently assume the character of a page of Utah history.

Senator Milton S. Latham, of California, passed through the city early in November on his way to Washington. The City Council in its session on the evening preceding his arrival, adopted a preamble and resolutions tendering him the hospitality of the city during his sojourn here. The Senator was waited upon by Councilors Little, Felt and Groo, to whom he returned his thanks for the complimentary resolutions of the Council, but his short stay prevented his acceptance. Latham and McDougall, California's two Senators, were the only ones who voted "nay" on the passage of the anti-polygamic bill of 1862. The honor shown to Senator Latham signified that Great Salt Lake City was returning thanks to California for her minority vote in protest of the bill.

Towards the close of the year 1862, an entire change of feeling came over Governor Harding towards "his Mormon people," especially those of the leaders; and singularly enough it began with his following

THANKSGIVING PROCLAMATION:

"Man, in all ages of the world, in the development of his moral nature, has demonstrated that he is not less a religious than a social being.

"Whether we study his attributes at the shrine of Isis in her ancient temples; at the rude altar of the wandering Hebrew amidst his flocks and herds; in the fierce games of the warlike Greek and Roman, or in that simple and more touching act of the Hindoo husbandman, as he lays a portion of his harvest at the feet of his rude idol, still do all these acts of devotion, rude and unseemly as they may appear to us, demonstrate his character as a devotional being—that his spiritual nature cannot be satisfied 'with bread alone,' but requires 'that manna of consolation that comes down from above.'

"That without this, the soul is ever crying out like a wandering outcast,

"'Oh, Father of Life, withhold not thy mercies from me.'

"If these manifestations have been in all ages of the world, ere the shep-

herds of Galilee heard the song of 'Peace and good will to men,' much more should we feel it to be our duty, as a Christian people, to inculcate even a higher spirit of devotion, and manifest by our acts, our dependence upon God, the God of our fathers, the Supreme Ruler of the Universe, from whose bounteous hands 'proceed every good and perfect gift.'

"He has kept the people here, guarded by His eternal ramparts, as in the 'hollow of His hand.' He has said Peace, Peace, and the troubled elements became still. The angel of his mercy has stretched out her burning scepter, and the elements became purified; disease and mildew and blight vanished to their silent caves, and Plenty poured out upon you from her abundant horn. Your granaries are full to overflowing; no scourge has fallen upon you, but the God of Peace has reigned triumphantly in your midst, while in other and fairer portions of the land, the Demon of Civil War has driven his blood-stained chariot over desolated fields and deserted cities—the plowshare has been beaten into a sword, and the pruning-hook into the murderous knife, and waving harvests, ready for the reaper, have not been gathered into barns, but 'plowed under'

"'By gory felloes of the cannon's wheels.'

"It is meet that at such a time as this, that the good people of this Territory, following, not only the examples of their fathers, but a precedent set by its first Governor, should dedicate, and set apart at least one day in the year, for thanksgiving and praise to Almighty God for the manifold mercies and blessings that he has vouchsafed unto us, and that He will continue his mercies. That He will put it into the hearts of our rulers to rule in righteousness, and that 'Judgment may not be turned aside in the streets.' That peace may again return to our bleeding country, and that the institutions of our fathers may come forth purified from the sins which have weighed down a nation, and brought the keen displeasure and wrath of God upon us.

"Therefore, I, Stephen S. Harding, Governor of the Territory of Utah, do hereby set apart Thursday, the first day of January, proximo, as a day of THANKSGIVING AND PRAISE TO ALMIGHTY GOD, for all His mercies to us as a people, and recommend and request a general observance of it to that end, that here, on the threshhold of a New Year, we may manifest in a proper spirit our dependence on Him, and supplicate HIS OMNIPOTENT POWER to continue to protect and guard us from future evils, as a nation and people.

"In testimony whereof, I have hereunto set my hand, and caused
[L.S.] the seal of said Territory to be affiixed.

"Done at Great Salt Lake City, in the Territory of Utah, this second day of December, in the year of our Lord one thousand eight hundred and sixty-two.

(Signed) STEPHEN S. HARDING.

"By the Governor,

FRANK FULLER, *Secretary.*"

This proclamation, which greeted Great Salt Lake City with a classic swell, was passed unheeded, not only by our city, but by the entire Territory. Governor Harding took the non-response of the citizens, not only as marked personal slight to himself, but also as a scoff at the Federal power embodied in his

F. H. McConnor

Excellency, Stephen S. Harding. But the citizens, in not holding high "temple service for Thanksgiving and Praise to Almighty God," on the day appointed by Governor Harding, intended no personal slight towards him or scoff at Federal authority.

But the salient point of the history to the secular mind would be that, the non-observance of this Thanksgiving Day, brought Stephen S. Harding to the full realization of the fact that, though he was Governor of Utah, Brigham Young was still Governor of the Mormon people. Therein was the intolerable offence to his Excellency.

A few days afterwards the Utah Legislature met. In the State House, Stephen S. Harding could teach the people that he, and not Brigham Young, was their Governor. At least such was the intent of the lesson conveyed in his message. Mr. Stenhouse notes the example thus:

"The Governor's message to the Legislature, in December, was the tocsin of war, and was considered a very offensive document. He referred to the passage of the anti-polygamic law of July of that year, and warned the people against the pernicious counsels of the apostles and prophets who had recommended it "to be openly disregarded and defied." The *manner* of the delivery of the message was worse than the matter, and probably no Legislature ever felt more humiliated and insulted. It was painful to observe the legislators, as they sat quiet and immovable, hearing their faith contemned. It was interpreted as an open and gratuitous insult on the part of the Executive."

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## CHAPTER XXXI.

THE CALIFORNIA VOLUNTEERS ORDERED TO UTAH. SKETCH OF GENERAL CONNOR. HIS FIRST MILITARY ORDER. INTERESTING LETTER FROM THE COMMAND. PETITION OF THE VOLUNTEERS TO GO TO THE POTOMAC. MARCH FROM FORT CRITTENDEN TO SALT LAKE. PREPARATIONS FOR BATTLE AT THE JORDAN. ZION AT PEACE. SURPRISE OF THE TROOPS. THE HALT AT THE GOVERNOR'S MANSION HIS ADDRESS TO THE TROOPS. CAMP DOUGLAS.

Although the Utah militia had been offered for the protection of the Overland Mail and Telegraph line, Secretary Stanton deemed it prudent to entrust the permanent service to the California Volunteers rather than to the Utah militia. Utah was placed under a military surveillance during the war, and California was made her sister's keeper. At least, such was the interpretation placed upon the military mission of General Connor and his command, to whom is devoted the following historical sketch, quickly connecting as it does with the main branch of the history of Great Salt Lake City.

General Patrick Edward Connor was born in the south of Ireland, March 17, 1820. At an early age he emigrated with his parents to New York City, where he was educated. In 1839 he entered the regular army, at the age of 18, during the Florida war. He left the service in November of 1844, and returned to New York, where he entered into mercantile business; but in the early part of 1846 emigrated to Texas. The war with Mexico broke out that year, and young Connor, as Captain of the Texas Volunteers, was the second volunteer officer mustered into service, in the regiment of Albert Sidney Johnston, whom they elected Colonel. Connor was with his company at the battles of Palo Alto, Resaca de la Palma, and Buena Vista. In the latter battle he was severely wounded, being the first officer who bore the scars of war, for which honor he now draws a full Captain's pension.

Shortly after the close of the Mexican war, Captain Connor emigrated to California, where he engaged in business till the breaking out of our great civil war. Immediately the gallant officer tendered his services to the Governor of California, and was appointed by him Colonel of the Third California Infantry.

The California Volunteers entered the service with the full expectation of being called directly to the theatre of war, for both officers and men were fired with a martial spirit becoming California in the nation's crisis. It is doubtful, indeed, if this military fervor would have been kindled had the Volunteers known that they were about to be ordered to Utah by the Government, to watch the Mormons, lest their leaders should take advantage of our national calamity and proclaim a rebellion. Some of the officers and men, it is understood, gave way to occasional fits of ill-humor, very pardonable in men who, panting for military glory, as well as inspired by patriotism, had offered their lives in defense of the Union, only to find themselves, in the sequel, transported to our then Rocky Mountain isolation.

It was in May, 1862, that Colonel Connor was ordered with his regiment to Utah. His command consisted of the Third California Infantry and a part of the Second California Cavalry. He took up his line of march in July, 1862.

On assuming command of the Military District of Utah, Colonel Connor issued the following military order:

"HEADQUARTERS, DISTRICT OF UTAH,
FORT CHURCHILL, August 6th, 1862.

"Order No. 1.—The undersigned, pursuant to orders from Department Headquarters, hereby assumes command of the Military District of Utah, comprising the Territories of Nevada and Utah.

"In assuming command of the district I especially enjoin upon all disbursing officers the necessity of being particularly attentive, careful and economical in their disbursements of the public funds; and that they in no instance purchase from persons who have at any time, by word or act, manifested disloyalty to the Federal Government.

"Being credibly informed that there are in this district persons who, while claiming and receiving protection to life and property, are endeavoring to destroy and defame the principles and institutions of our Government under whose benign influence they have been so long protected, it is therefore most rigidly en-

forced upon all commanders of posts, camps and detachments, to cause to be promptly arrested and closely confined until they have taken the oath of allegiance to the Government of the United States, all persons who from this date shall be guilty of uttering treasonable sentiments against the Government; and upon a repetition of the offense to be again arrested and confined until the fact shall be communicated to these headquarters. Traitors shall not utter treasonable sentiments in this district with impunity, but must seek some more genial soil, or receive the punishment they so richly merit. By order of

P. EDWARD CONNOR,
*Col. 3d Infantry, C. V., Com. Dist. of Utah.*

"*James W. Stillman, A. A. A. General.*"

The *Deseret News* of September 10, notes:

"Col. P. E. Connor, commanding the California Volunteers, arrived in the city yesterday afternoon. The Volunteers remain at Ruby Valley till the Colonel's return, when they will afterwards advance to the place that will be selected as a military post. The Colonel took a stroll about town and looked around with an air of familiarity that indicated that after all Salt Lake City was something of a place, and might not be unpleasant, notwithstanding its desert surroundings."

A correspondent writing to the San Francisco *Bulletin* in behalf of his comrades, gives a very interesting and suggestive page of history:

"HEADQUARTERS UTAH DISTRICT,
RUBY VALLEY, N. T., September 24, 1862.

"The Third Infantry California Volunteers wants to go home—not for the purpose of seeing the old folks, but for the purpose of tramping upon the sacred soil of Virginia, and of swelling the ranks of the brave battlers for the brave old flag. The action of the San Francisco Quartette and the glory which awaits the California regiment that first lands on the Atlantic coast, combined to make the 700 hearts camped in Ruby Valley pulse vigorously with the patriotic desire to serve their country in shooting traitors instead of eating rations and freezing to death around sage-brush fires, which two are the only military duties to be performed hereabouts. Accordingly a meeting of the officers was called on Tuesday night. A committee was appointed to draft a dispatch to be sent to Gen. Halleck; and each captain was requested to draw up a paper to the purport that the subscriber would authorize the paymaster to withhold from his pay the amount subscribed by him, on the condition, and no other condition, that the regiment be ordered east. Each captain was requested to present this document to his company and report at an adjourned meeting.

"To-day, at 1 p. m., the following sums had been subscribed by the privates and company officers:

"Company I, Capt. Lewis, $3,430; Company K, Capt. Hoyt, $3,475; Company H, Capt. Black, $2,550; Company F, (part absent on detailed duty) Capt. Potts, $600; Company C, Capt. May, $3,260; Company E, Capt. Tupper, $4,674; Company G, Capt. Urmy, $7,431.

"That is excellent evidence of the earnest patriotism of our 700 men. In

addition to packing a musket, eating salt pork, and tramping over these abominable deserts, they are willing, and actually do, out of their $13 per month, subscribe $25,000 for the *privilege* of going to the Potomac and getting shot. If California is not proud of them, the God of Washington is; and that is quite as satisfactory. But California cannot help appreciating such a sacrifice upon the part of men who, after giving their time, labor, and if need be, their lives, to their country, now give the last mite of their small pittance. Private Goldthaite, of Company G, alone, subscribed $5000, while the majority of the men gave every cent of their pay.

"The company officers ranged about thus: Second lieutenants, $100 to $200; first lieutenants, $200 to $300; captains, $300 to $500. In some instances that takes more than their pay. The staff officers have not yet pungled, as they are waiting to see what amount will remain to be raised.

"The three companies at Stockton would most undoubtedly equal their comrades. Should they do so, at the average of $3,000 per company the funds would reach upwards of $36,000.

"The following despatch was sent to Gen. Halleck, with the consent of Gen. George Wright:

"'*Major-General Halleck, Secretary of War, Washington, D. C.*

"The Third Infantry, Cal. Vols., has been in service one year, and marched 600 miles; it is well officered and thoroughly drilled; is of no service on the Overland Mail route, as there is cavalry sufficient for its protection in Utah District. The regiment will authorize the Paymaster to withhold $30,000 of pay now due if Government will order it East; and it pledges Gen. Halleck never to disgrace the flag, himself or California. The men enlisted to fight traitors, and can do so more effectively than raw recruits; and ask that they may be placed at least on the same footing in regard to transportation East. If the above sum is insufficient, we will pay our own passages from San Francisco to Panama.

"'By request of the regiment.

P. EDW. CONNOR,

"'*Col. Commanding.*

"'*Ruby Valley, N. T., September 24, 1862.*'"

"So far as anybody can see, there is not a bit more use for infantry out here than there is for topographical engineers. Cavalry is the only efficient arm against Indians, and the companies of the 2d regiment, in the district, are fully competent to chastise all offenders. Brigham Young offers to protect the entire line with 100 men. Why we were sent here is a mystery. It could not be keep Mormondom in order, for Brigham can thoroughly annihilate us with the 5,000 to 25,000 frontiersmen always at his command."

Towards the middle of October the Volunteers reached the former encampment of U. S. troops at Camp Floyd. Parties who would have been financially benefitted by the Volunteers occupying the vacated quarters at Camp Floyd tried to induce the Colonel to remain there, and, failing that, they sought to intimidate him with the intelligence that the Mormon intended to dispute the passage of the Californians over the Jordan. At the same time, a story was current

among the Volunteers that Brigham Young, on hearing of their advance, had out of contempt for them and the nation, cut down the United States flag-staff at Camp Floyd and left it lying on the public road, over which they had to travel. There was no truth in this reported threat of Mormon resistance; and, as already told, the flag-staff was presented to ex-Governor Young by the officers at Camp Floyd.

A few days after the establishment of Camp Douglas the San Francisco *Bulletin* published, from the correspondent already noticed, the following very interesting details of the march of the Volunteers from Fort Crittenden and their passage through Great Salt City:

"JORDAN SPRINGS, U. T., Saturday, October, 18, 1862.

"The Salt Lake Expedition, numbering 750 men, is within twenty-five miles of the City of the Saints, having marched twenty miles north of Fort Crittenden to-day. From the slope on which our camp is pitched we can discern the white specks which constitute the residences of the modern apostles; but at present we are more interested in the designs and doings of said apostles than in the general appearance of their habitations. I closed yesterday's letter [see *Bulletin* of 30th October] by mentioning a camp rumor, to the effect that the Mormons would prevent a nearer approach of our troops to the city than Fort Crittenden, and that the banks of the narrow stream called Jordan, which empties the waters of Lake Utah into Great Salt Lake, would form the field of battle. At the time it caused no further thought than as the starting point of rambling conversations respecting Mormondom and the mission which the command has been detailed to execute—both subjects upon which we have but little information. However, at the present writing—sundown—reliable advices received tend to establish the probable truthfulness of the report. When information reached the city, as it did last night, that Col. Connor would not purchase the buildings erected by Johnson's command in 1858 at what was then Camp Floyd, now Fort Crittenden, and that he designed to occupy some locality within striking distance of the heart of Mormondom, the most intense excitement is said to have prevailed. The leaders are represented to be in conclave, meditating upon the question and striving to arrive at a determination, while the people were in a high state of expectancy as to what the leaders would do, what the troops would do, and what they themselves would be called upon to do. The Chief of the Danites—better known perhaps as the Destroying Angels, whose duty it is, if report be true, to place parties odious to the leaders of the Church where they can never tell tales, is represented as riding through the streets offering to bet $500 that we could and should not cross the river Jordan, the bet being untaken. Furthermore, not a single camp rumor, but reliable parties assert that Brigham Young would, when we near Jordan, have us met by commissioners empowered to inform us that the Mormons objected to our close proximity to their city and would forcibly resist an attempt on our part to cross that stream.

"How much truth there may be in these advices, or how much the real state of affairs in Salt Lake is exaggerated I know not. As a faithful correspondent it is only my province to inform you of the exact condition and operations of this

command, but further than that I cannot go, and, of course, will not be held responsible for the correctness or incorrectness of the rumors which reach this command. Be they, however, true or untrue, and be the opinion entertained by our Colonel what it may, certain it is that he is moving with the utmost prudence, that thirty rounds of ammunition have just been issued to each man, and that the two 6-pounders are abundantly furnished with destructive missiles, and the 12-pound mountain howitzer amply supplied with shells, that the camp is so pitched upon an open plain that no force can get to it without a fair fight; in short, that every preparation for war that can be made is made, and equally certain is it that on to-morrow we will cross the river Jordan if it lies within our power.

"Col. Connor sent word to-day to the above-mentioned chief of the Danites that he would 'cross the river Jordan if hell yawned below him;' and the battle-fields of Mexico testify that the Colonel has a habit of keeping his word.

"Thus you see that whether we are to have a fight or not rests entirely with the Mormon rulers. And if it be true that United States troops, when ordered by Government to occupy United States territory, are to be forcibly prevented by those living upon United States lands, from executing the order—if this principle is to constitute the national policy, then the nation has ceased to be a live nation, and the sooner it recognizes the Southern Confederacy the better. But if our troops are to march on United States territory wherever Government sends them, and those who resist their march, because of polygamy, are as really traitors as those who resist because of slavery, and are to be dealt with as such. This command, from the highest to the lowest, is disposed to treat the Mormons with true courtesy and the strictest justice, so long as they remain friendly to the Government; but the moment they become traitors the river Jordan will be as acceptable to us as the river Potomac, for we shall be fighting for the same precise principle—the flag and national existence—as are our eastern brethren; and even should annihilation be our fate, of which we have no fears, the belief that our countrymen would think of our graves as they do of those in Virginia, and that the Union men of California, our old friends, would swarm forth by the thousand to avenge us—such a hope and belief would nerve us for death.

"Nevertheless, unless he fails to exercise his statesmanship, universally accorded to him, Brigham Young cannot but foresee the results which would flow from a war of his beginning. Admitting him to have an army of 8,000 well drilled and effective men, or, for that matter, one of 50,000—and admitting him to be able to capture our force and all the forces which California could send hither, yet, in the course of one, or two, or three years, the Government could flood his valley with regiments, and sweep it with a gulf stream of bayonets. That he is prepared to initiate a movement which cannot fail to bring upon his people the full power of the nation I do not believe; and yet there may be hot heads over whom he has but partial control. A small spark can ignite the powder of a vast magazine.

"Having given you the prevalent opinion of the camp, there should also be given what probably may turn out to be the cause why some, if not most, of the rumors current in Salt Lake were set afloat. When Floyd after expending

$5,000,000 in the erection of quarters in Camp Floyd ordered the disgraceful and outrageous sale of the same, the buildings were bought for a mere song by private parties.

"On several occasions, in fact during the whole march, Col. Connor has been solicited by the agents of owners to repurchase them. He did not see fit to do so; but it was expected that the smallness of the command, and the avowal that the Mormons would not permit him to locate near the city, taken in connection with the fact that his arrival so late in the season would prevent him from erecting winter quarters, it was expected, I say, that these and other prudential reasons would induce him to effect the purchase of Fort Crittenden; and it is more than probable that his refusal of the offers was regarded as a financial maneuver by which to secure the property at low figures. Hence the idea that we really would not winter at that point has never been realized by them, and so thoroughly has the belief that we would winter there pervaded the Mormon people, that when we marched beyond it they—unable to understand the object of the expedition, and fearful that the real, and to them a hostile, design, is hidden under the avowed one—have their fears a thousand fold quickened and imagine an attack upon the city possible. In addition it appears that the chief of the Danites is the principal owner of the buildings and decidedly anxious to sell and that the agents have from time to time assured him of the certainty of his prospects. Up to the hour that Col. Connor's decision was unknown at Fort Crittenden, the city is reported to have been perfectly quiet, but in about the time it would take to telegraph his refusal to Salt Lake, the excitement is said to have begun. There can, therefore, be little doubt that the already aroused suspicions of the Mormons have been worked upon by parties interested in the sale of the property, and who, failing to persuade Col. Connor into buying, now seek to frighten him therein by threats of forcible resistance, and mayhap a display of military power. In this they will most signally fail, for I must say that he is a blessed hard man to scare. At the same time, if it is the settled Mormon policy to resist the Federal Government, and if the people have been toned up to the Union pitch, a few leaders actuated by selfish motives, can easily indicate its execution. A courier will arrive late to-night with authentic intelligence, which I will endeavor to obtain.

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"SALT LAKE CITY, October 20, 1862.

"When Sunday's *reveille* awoke the command, it awoke expectant of battle ere another one should roll out upon the grey day-break. Blankets were never got out from under and compactly strapped in knapsacks more promptly; cooks never prepared steaming breakfast with greater alacrity, and upon the principle that the aggregate stomach of a regiment has a great deal to do with the aggregate prowess of a regiment, they never prepared a more bountiful repast. Upon the same principle, no breakfast during the whole march was stowed away in a more cool, nonchalant, jovial manner. The routine of months was dissipated, and, doubtless each man's curiosity to know how he would personally stand fire, and the more general question which side would whip, made everybody happy. The

first scene which met my eyes was Colonel Connor seated upon a log, calmly engaged in loading his pistols, and playing with his toddling child. In some directions were heard the popping of muskets and the thud of ramrods, as the men made sure of their pieces, while in others could be seen individuals seated on the ground, vigorously burnishing up their already glittering muskets and brasses—determined no doubt to die according to regulations, if die they must. No difference what thoughts raged within each breast, the exterior seemed calm and determined.

"An incident at the hospital will serve as a criterion of the general *animus*. Five men were sick in the hospital and thirty-six sick in quarters. At sick-call Surgeon Reid, who had been arranging his abominable knives, saws and probes, said that this was a day when every man able to carry a musket should do so, and one that would determine who were loafers and who were soldiers. Twenty-eight out of the forty-one, many of whom were really unfit for service, shouldered their pieces, and the remainder did not only because they could not.

"A strong force of cavalry preceded the staff, and the command moved forward in so compact a body, and with such a steady, springing step, that General Wright's heart would have rejoiced at the sight. The fact that the carriages formed behind the staff as usual was an intimation to the men that a fight was improbable, and word presently passed that a courier had arrived with information that no resistance would be made at the bridge. Before it did so, however, as the Colonel passed the artillery, he put several questions to Lieutenant Hunneyman, commanding, respecting the quantity and kind of ammunition in the caissons, and also the numbers of the ammunition wagons. When through, the Lieutenant, who has seen service, said, 'Colonel, if you expect an attack to-day, I will overhaul those wagons and take more cannister,' with the same air that one calls for fried oysters in a restaurant. The reply was, 'Not to day; but to-morrow do so.' There were other incidents of the same kind, but I did not happen to see them.

"After a speedy march of fifteen miles—during which not one of the usual stragglers fell back from his position—we crossed the Jordan at 2 p. m. and found not a solitary individual upon the eastern shore. It was a magnificent place for a fight, too, with a good-sized bluff upon the western side from which splendid execution could have been done; but all were glad that no necessity existed therefor, as we heartily desire to avoid difficulty with the loyal citizens.

"While camped for the night, it was definitely ascertained that, although there had been some excitement in the laity, yet it was far from general, and was instigated by parties interested in selling the Fort Crittenden buildings. Furthermore, that the mass of the people were glad of our near location, as it would bring many a dollar into the city circulation. Bishop Heber Kimball, who, I am told, ranks next to President Young, is reported to have spoken thus in his sermon at the temple: 'Letters have been written to Colonel Connor's command, to California and the East, that we are opposed to the coming of the troops; that we are disloyal to the Government and sympathizers with Secessionists. It is all a d—d lie." This certainly was a gratifying assurance, though not mildly expressed.

"This morning, Monday, we resumed the line of march, thoroughly ignorant of the spot that would next receive our tents, but decidedly hopeful that it

would receive them permanently. That it was to be near the city we knew; that the leading Mormons objected to its proximity because of the danger of difficulties between the soldiers and citizens, we knew; that in 1838 they had resisted the now traitor Johnston's 10,000 men, and after compelling him to winter in the mountains, had, late in the Spring, forced him into a treaty by which he bound himself not to locate within 40 miles of Salt Lake, we knew; that they were far stronger and better armed now than they then were, we knew; and that more than one of their leading men—among them a Bishop—had offered to bet that we would not come within twenty miles of the Temple, we also knew. A large and influental party was avowedly opposed to any near approach, and, in view of the advice received by our commander—which were from reliable sources—the precise *animus* of the people and the treatment that would meet us, we did not know. That, should they see fit, it was in their power to vastly outnumber and in all probability annihilate us, was more than possible, and that we were 600 miles of sand and draught from reinforcements, was certain. All of these certainties and uncertainties conspired to create the same excitement that passengers in olden days felt when two Mississippi steamers lapped guards, burned tar, and carried the engineer as a weight on the safety valve. We had generally supposed, and the people had universally supposed, that the command would pass around the city, or at the most but through the outer suburbs, which course, under all the circumstances, was considered decidedly bold, and upon the whole, not so conciliatory a policy as had been adopted by General Johnston—thousands.

"Accordingly, when some two miles out, a halt was sounded and the column formed as follows: Advance guard of cavalry, Colonel Conner and staff; cavalry brass band; Cos. A and M of 2d Cavalry, C. V., light battery; infantry field band; 3d Infantry Battalion; staff, company quarters and commissary wagons; rear guard of infantry.

"You may imagine our surprise—strive to imagine the astonishment of the people, and the more than astonishment of the betting bishop—as the column marched slowly and steadily into a street which receives the overland stage, up it between the fine trees, the sidewalks filled with many women and countless children, the comfortable residences, to Emigration Square, the Theatre and other notable landmarks were passed, when, about the centre of the city, I should think, it filed right through a principal thoroughfare to Governor Harding's Mansion—on which, and on which alone waved the same blessed stars and stripes that were woven in the loom of '76. Every crossing was occupied by spectators, and windows, doors and roofs had their gazers. Not a cheer, not a jeer greeted us. One little boy, running along close to the staff, said—"You are coming, are you?" to which it was replied that we thought we were. A carriage, containing three ladies, who sang "John Brown" as they drove by, were heartily saluted. But the leading greeting was extended by Governor Harding, Judges Waite and Drake, and Dr.——, who met us some distance out. Save these three instances, there were none of those manifestations of loyalty that any other city in a loyal Territory would have made.

"The sidewalk by the mansion was thoroughly packed with Mormons, curious to know what would be the next feature. It was this: The battalion

was formed into two lines, behind them the cavalry, with the battery resting upon their right, in front of the Governor's residence.

"After giving the Governor the salute due his rank he was introduced by Col. Connor to the command, and, standing in his buggy, spoke precisely thus:

"SOLDIERS AND FELLOW CITIZENS:

"It is with pleasure that I meet you all here to-day. God forbid that ever I shall live to see the day that I will not be rejoiced to see the flag of my country in hands that are able and worthy to defend it. When I say this, I am conscious, soldiers, that your mission here is one of peace and security, not only to the government that gives you employment, but to every individual who is an inhabtant of this Territory.

"The individual, if any such there be, who supposed that the Government had sent you here that mischief might come out of it, knows not the spirit of our Government, and knows not the spirit of the officers who represent it in this Territory. When I say this, I say what is strictly true; and I say it *that it may be impressed upon your minds as true*, as well as upon the minds of every individual who hears me upon this occasion. Never let it be said that an American soldier, employed under the glorious flag of his country, that emblem of beauty and glory, has disgraced it by conduct not in accordance with his duty, and the discipline of the United States army. The duty of a soldier is a plain and stern duty; and yet it is one that redounds to the glory and happiness of himself, and to the happiness of every true and loyal individual in whose midst he may be placed. If, however, he should break over the bounds of his discipline—if he should run wild in the riot of the camp, then, indeed, his presence will be a curse everywhere, and not a security to the institutions of the Government, which it is his duty to maintain with his life's blood.

"I confess that I have been disappointed, somewhat, in your coming to this city. I have known nothing of the disposition that has been made of you; and for the truth of this assertion, I appeal to your commander, and to every individual with whom I have had communication on this subject. But you are here, and I can say to you, God bless you, and God bless the flag you carry; God bless the Government you represent; and may she come out of her present difficulties unscathed; and may the fiery ordeal through which she is passing purge her of her sins; may her glorious institutions be preserved to the end of time; may she survive these troubles, and be redeemed, and disenthralled from the *causes* of the difficulties and calamities through which she is passing, and through which she may be yet called to pass.

"I do not know now what disposition is to be made of you, but I suppose you will be encamped somewhere, I know not where, but within a short distance of this city. I believe the people you have now come amongst will not disturb you if you do not disturb them in their public rights and in the honor and peace of their homes; and to disturb them you must violate the strict discipline of the United States Army which you must observe, and which you have no right to violate. In conforming thus to your duty, you will have my countenance and support, and every drop of blood in my veins if necessary for the maintenance

of your rights and the Government I represent. But if on the contrary you for any reason whatever should run wild in the riot of the camp—should break over the bounds of propriety, and disregard that discipline that is the only possible safety for yourselves, then shall I not be with you; but in the line of your duty, God being my helper, I will be with you to the end, and to death. I thank you."

"At the conclusion of the speech, Colonel Connor called for three cheers for our Country and Flag, and three more for Governor Harding, all of which would have drawn forth the admiration of your Fire Department. Thereupon the march through the city was resumed, the bands continuing their flood of music, and a tramp of two and a half miles east brought us to the slope between Emigration and Red Butte Canyons, where a permanent post will probably be established.

"I have very astutely discovered that we could have reached the spot by a much shorter road, and that we marched over six miles for the purpose of passing through the well-built metropolis of the modern Saints. There is no reason why we should not do it that is recognized by the United States Government, and I for one was curious to see rosy cheeks and sparkling eyes.

"And so ended the long tramp from your good State, and the attempts to frighten Colonel Connor into the purchase of Fort Crittenden.

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## CHAPTER XXXII.

BATTLE OF BEAR RIVER. CONNOR'S REPORT TO THE DEPARTMENT HISTORY OF THE BATTLE. CONGRATULATIONS OF THE COLONEL TO HIS TROOPS. BURIAL OF THE DEAD. OUR CITIZENS AT THE FUNERAL. THE BATTLE, AS RECORDED IN THE MILITARY HISTORY OF CACHE VALLEY.

Soon after his arrival in Utah, Colonel Connor, on the 29th of January, 1863, fought the celebrated battle of Bear River, against the Snake and Bannock Indians under Bear Hunter and other chiefs. There they killed and captured of the Indians nearly 400. The cemetery of Camp Douglas was consecrated to receive the relics of the heroes who fell in that battle; but there was compensation for their loss, as that famous victory forever put a quietus to Indian hostilities in Northern Utah and Southern Idaho.

The following official report of the battle from Colonel Connor is a valuable page of Utah history:

"HEADQUARTERS DISTRICT OF UTAH,
CAMP DOUGLAS U. T., Feb. 6th, 1863.

"COLONEL:

"I have the honor to report that from information received from various sources of the encampment of a large body of Indians on Bear River, in Wash-

ington Territory, one hundred and forty miles north of this point, who had murdered several miners, during the winter, passing to and from the settlements in this valley to the Beaver Head mines, east of the Rocky Mountains, and being satisfied that they were part of the same band who had been murdering emigrants on the overland mail route for the past fifteen years and the principal actors and leaders in the horrid massacres of the past summer, I determined although the season was unfavorable to an expedition, in consequence of the cold weather and deep snow, to chastise them if possible. Feeling that secrecy was the surest way to success, I determined to deceive the Indians by sending a small force in advance, judging, and rightly, that they would not fear a small number.

"The chiefs, Pocatello and Sanpitch, with their bands of murderers, are still at large. I hope to be able to kill or capture them before spring.

"If I succeed, the overland route west of the Rocky Mountains will be rid of the Bedouins who have harassed and murdered emigrants on that route for a series of years.

"In consequence of the number of men left on the route with frozen feet and those with the train and howitzers and guarding the cavalry horses, I did not have to exceed two hundred men engaged.

"On the 22d ultimo, I ordered Co. K. Third California Volunteers, Capt. Hoyt; two howitzers under command of Lieut. Honeyman and twelve men of the Second California Cavalry with a train of fifteen wagons, conveying twelve days' supplies, to proceed in that direction. On the 24th ultimo, I proceeded with detachments from companies A, H, K, and M. Second California Cavalry, numbering two hundred and twenty men, accompanied by Major McGarry, Second California Cavalry; Surgeon Reid, Third California Volunteers; Captains McLean and Price, and Lieutenants Chase, Clark, Quinn and Conrad, Second California Cavalry. Major Gallager, Third California Volunteers and Capt. Berry, Second California Cavalry, who were present at this post attending general court martial as volunteers.

"I marched the first night to Brigham City about sixty-eight miles distant; and the second night's march from Camp Douglas, I overtook the infantry and artillery at the town of Mendon and ordered them to march again that night. I resumed march with the cavalry and overtook the infantry at Franklin, W. T., about twelve miles from the Indian encampment. I ordered Capt. Hoyt, with the infantry, howitzers and train not to move until after 3 o'clock a. m., I moved the cavalry in about an hour afterward, passing the infantry, artillery and wagons about four miles from the Indian encampment. As daylight was approaching I was apprehensive that the Indians would discover the strength of my force and make their escape. I therefore made a rapid march with the cavalry and reached the bank of the ravine shortly after daylight, in full view of the Indian encampment, and about one mile distant, I immediately order Major McGarry to advance with the cavalry and surround, before attacking them, while I remained a few minutes in the rear to give orders to the infantry and artillery. On my arrival on the field I found that Major McGarry had dismounted the cavalry and was engaged with the Indians, who had sallied out of their hiding places on foot and horseback and, with fiendish malignity, waved the scalps of white women,

and challenged the troops to battle, at the same time attacking them. Finding it impossible to surround them, in consequence of the nature of the ground, he accepted their challenge.

"The position of the Indians was one of strong natural defence, and almost inaccessible to the troops, being in a deep dry ravine from six to twelve feet deep, and from thirty to forty feet wide, with very abrupt banks and running across level table land, along which they had constructed steps from which they could deliver their fire without being themselves exposed. Under the embankment they had constructed artificial courses of willows, thickly wove together, from behind which they could fire without being observed.

"After being engaged about twenty minutes, I found it was impossible to dislodge them without great loss of life. I accordingly ordered Major McGarry, with twenty men, to turn their left flank which was in the ravine where it entered the mountain. Shortly afterward Capt. Hoyt reached the ford, three-fourths of a mile distant, but found it impossible to cross footmen, some of whom tried it, however, rushing into the river but finding it deep and rapid, retired. I immediately ordered a detachment of cavalry with led horses, to cross the infantry, which was done accordingly and upon their arrival on the field I ordered them to the support of Major McGarry's flanking party who shortly afterward succeeded in turning the enemy's flank.

"Up to this time, in consequence of being exposed on a level and open plain, while the Indians were under cover they had the advantage of us, fighting with the ferocity of demons. My men fell thick and fast around me, but after flanking them we had the advantage and made good use of it. I ordered a flanking party to advance down the ravine on either side, which gave us the advantage of an enfilading fire and caused some of the Indians to give way and run towards the mouth of the ravine. At this point I had a company stationed who shot them as they run out. I also ordered a detachment of cavalry across the ravine to cut off the retreat of any fugitives who might escape the company (Capt. Price) at the mouth of the ravine. But few, however, tried to escape, but continued fighting with unyielding obstinacy, frequently engaging hand to hand with the troops until killed in their hiding-places. The most of those who did escape from the ravine were afterward shot in attempting to swim the river or killed while desperately fighting under cover of the dense willow thicket which lined the river banks. To give you an idea of the desperate character of the fight, you are respectfully referred to the list of killed and wounded transmitted herewith. The fight commenced at about six o'clock in the morning and continued until ten. At the commencement of the battle the hands of some of the men were so benumbed with cold that it was with difficulty that they could load their pieces. Their suffering during the march was awful beyond description, but they steadily continued without regard to hunger, cold or thirst, not a murmur escaping them to indicate their sensibilities to pain or fatigue. Their uncomplaining endurance during their four nights' march from Camp Douglas to the battle field is worthy the highest praise. The weather was intensely cold and not less than seventy-five had their feet frozen and some of them, I fear, will be crippled for life.

"I should mention here that in my march from this post no assistance was rendered by the Mormons, who seemed indisposed to divulge any information regarding the Indians and charged enormous prices for every article furnished my command. I have also to report to the General commanding, that previous to my departure, Chief Justice Kinney, of Salt Lake City, made a requisition for the purpose of arresting the Indian Chiefs, Bear Hunter, Sanpitch and Sagwitch. I informed the Marshal that my arrangements for an expedition against the Indians were made and that it was not only my intention to take any prisoners, but that he could accompany me. Marshal Gibbs accordingly accompanied me and rendered efficient aid in caring for the wounded.

"I have great pleasure in awarding to Major McGarry, Major Gallagher and Surgeon A. K. Reid the highest praise for their skill, gallantry and bravery throughout the engagement. And to the company officers the highest praise is due, without invidious distinction for their courage and determination evinced throughout the engagement; their obedience to orders, attention, kindness and care for the wounded are no less worthy of notice. Of the good conduct and bravery of both officers and men, California has reason to be proud.

"We found 224 bodies in the field, among which were those of the chiefs Bear Hunter, Sagwitch and Lehi. How many more were killed than stated I am unable to say; as the condition of the wounded rendered their immediate removal a necessity, I was unable to examine the field. I captured 175 horses, some arms, destroyed over seventy lodges, and a large quanity of wheat and other provisions which had been furnished them by the Mormons. I left a supply of provisions for the sustenance of 160 captive squaws and children who were released by me on the field.

"The enemy had about three hundred warriors, mostly all armed with rifles and having plenty of ammunition, which rumor says they received from the inhabitants of this Territory in exchange for property of massacred emigrants. The position of the Indians was one of great natural strength and had I not succeeded in flanking them the mortality of my command would have been terrible. In consequence of the deep snow the howitzers did not reach the field in time to be used in the action.

"I have the honor of remaining, very respectfully,

Your obedient servant,

(Signed) P. ED. CONNOR,

*Colonel 3rd Cal. Vol., Com'd. District.*

"*To Lt. Col. R. C. Drum, Asst. Adjt. Gen. U. S. A., Department of the Pacific.*"

"HEADQUARTERS OF THE ARMY,

WASHINGTON, D. C., March 29th, 1863.

"*Brig.-General Geo. Wright,*

*Comd'g Dep't of the Pacific, San Francisco, Cal.*

"GENERAL:

"I have this day received your letter of February 20th, inclosing Col. P. Ed. Connor's report of his severe battle and splendid victory on Bear River, Wash-

ington Territory. After a forced march of one hundred and forty miles in mid-winter and through deep snows, in which seventy-six of his men were disabled by frozen feet; he and his gallant band of only two hundred, attacked three hundred warriors in their stronghold and after a hard fought battle of four hours, destroyed the entire band, leaving 224 dead upon the field. Our loss in the battle was fourteen killed and forty-nine wounded. Colonel Connor and the brave Californians deserve the highest praise for their gallant and heroic conduct.

Very respectfully,

Your obedient servant,

(Signed) H. W. HALLECK,
*General-in-chief.*

The following order, bearing the same date as that of Col. Connor's letter to the Department of the Pacific, was read to the volunteers, while on dress parade, by Adjutant Ustick:

"HEADQUARTERS DISTRICT OF UTAH,
CAMP DOUGLAS, U. T., Feb. 6, 1863.

"The Colonel commanding has the pleasure of congratulating the troops of this Post upon the brilliant victory achieved at the battle of Bear River, Washington Territory.

"After a rapid march of four nights in intensely cold weather, through deep snow and drifts, which you endured without murmur or complaint, even when some of your number were frozen with cold, and faint with hunger and fatigue, you met an enemy who have heretofore, on two occasions, defied and defeated regular troops, and who have for the last fifteen years been the terror of the emigrants, men, women and children and citizens of those valleys, murdering and robbing them without fear of punishment.

"At daylight on the 29th of January, 1863, you encountered the enemy, greatly your superior in numbers, and had a desperate battle. Continuing with unflinching courage for over four hours, you completely cut him to pieces, captured his property and arms, destroyed his stronghold and burnt his lodges.

"The long list of killed and wounded is the most fitting eulogy on your courage and bravery. The Colonel commanding returns you his thanks. The gallant officers and men who were engaged in this battle, without invidious distinction, merit the highest praise. Your uncomplaining endurance and unexampled conduct on the field, as well as your thoughtful care and kindness for the wounded, is worthy of emulation. While we rejoice at the brilliant victory you have achieved over your savage foe, it is meet that we do honor to the memory of our brave comrades, the heroic men who fell fighting to maintain the supremacy of our arms.

"While the people of California will regret their loss, they will do honor to every officer and soldier who has by his heroism added new laurels to the fair escutcheon of the State.

"By order of Colonel Connor.

(Signed) WM. D. USTICK,
"*First Lieutenant and Adjutant, Third Infantry, C. V.,*
*Acting Assistant Adjutant General.*"

The burial of the dead who fell in the battle of Bear River was a solemn

occasion to the city as well as to the camp. The day was cold and raw, yet a large number of our citizens were present at the burial. Up to this time scarcely any of the citizens had set foot within the encampment, but now there was quite a score of carriages from the city, many equestrians and a large concourse of people on foot, and had it been generally known, thousands from the city would have paid reverent tribute to the slain, for it was duly appreciated that they had fallen in the service of Utah.

"Up to 1 p. m. the sixteen coffins lay side by side in the Quartermaster's store-room, where the dead were visited by their surviving comrades. At that hour the entire command formed in procession and escorted the bodies to the military graveyard, where Parson Anderson officiated in the burial service. Three volleys were fired over the bodies as they were laid in their graves, and the last solemn rites were ended. The band, that before led the measured, solemn step of the procession to the funeral dirge and Dead March, now moved away gaily, reviving the thoughtful, and recalling to the duties and obligations of life those who had not yet finished their page of history.

"The remains of Lieutenant Chase were consigned to their resting-place by the brethren of the Masonic fraternity attached to the command, together with a few from the city. The deceased was a Royal Arch Mason, but the small number of that grade in attendance rendered the adoption of the Master Mason's burial service necessary. At the solicitation of the brethren, Sir Knight Frank Fuller, Secretary of the Territory, officiated as W. M., and Colonel Evans, of the Second Cavalry, as Marshal, Chief Justice Kinney and United States Marshal Gibbs walked in the procession, which consisted altogether of some twenty members. The services at the grave were of a highly impressive character, and were witnessed by nearly the whole of the command, together with numerous citizens. At the close of the solemnities, the fraternity changed their position while a dirge was performed by the band, and gave place to a detail of forty-eight soldiers, who fired three volleys over the grave. The procession then returned to camp in reversed order."

It may be noted that Lieutenant Darwin Chase in his youth was one of the most promising of the Mormon Elders; his name and labors in the ministry was often associated with Apostle Erastus Snow. It was supposed that the Indians mistook Lieutenant Chase for Colonel Connor and made him a particular mark. The Lieutenant's horse had more attractive trappings, which drew the attention of the Indians towards him and away from the real commander, who is said to have "sat almost motionless on his charger, within easy distance of the Indians' rifles, watching the progress of the fight and giving his orders."

For the integrity of history, it must be noted that Colonel Connor in his report to the War Department did an injustice to the people of Cache Valley when he said:

"I should mention here that in my march from this post no assistance was rendered by the Mormons, who seemed indisposed to divulge any information regarding the Indians, and charged enormous prices for every article furnished my command."

Accompany the above with an historical note in the Logan Branch records, from which the author himself copied it:

"Jan. 28th, 1863, Colonel Connor passed through Logan with a company of 450 soldiers, and on the 29th he came upon and attacked a band of Indians in a deep ravine through which a small creek runs west of Bear River and twenty miles north of Franklin. The Indians resisted the soldiers and a severe battle ensued which lasted four hours, in which eighteen soldiers were killed and [many] wounded. About 200 Indians were killed and a great many wounded. Colonel Connor captured about 150 Indian ponies, and returned through Logan on Jan. 31. The weather was so intensely cold that scores of his men had their feet and hands frozen. *We, the people of Cache Valley, looked upon the movement of Colonel Connor as an intervention of the Almighty*, as the Indians had been a source of great annoyance to us for a long time, causing us to stand guard over our stock and other property the most of the time since our first settlement."

This historical minute was made early in 1863, just after the battle of Bear River. Notice the striking proof of this in the naming of Connor's rank—"Colonel Connor." He was not yet created Brigadier-General, for fighting that battle, when Secretary Farrell made that minute. Records are invaluable! This one justifies Cache Valley. A misrepresentation of the Mormon people was made to the War Department, though we are quite as confident that "Colonel Connor" was too honorable to so design his report. The above will show General Connor's views of the Mormon people at the date of the writing of his official letter, and of the sympathy of the people of Cache Valley with the Indians. The records of Cache speak of the absolute sympathy of the entire people of Cache with the California Volunteers, and their gratitude to them for redeeming them from Indian depredations.

Col. Martineau, in his most interesting sketch of the military history of Cache Valley, gives the following account of the battle:

"In January, 1863, Col. P. E. Connor, with about 400 United States troops, fought the battle of Bear River, about twelve miles north of Franklin. This action, though more properly belonging to the annals of the United States army, we think should be noticed in this connection, as it had an immense influence in settling Indian affairs in Northern Utah, and especially in Cache County. Indian outrages against settlers and travelers had grown more and more frequent and audacious, until they became unbearable, and Colonel Connor determined to put an end to them. Making forced marches from Camp Douglas to Franklin during an intensely cold winter and through deep snow, his command left Franklin some hours before daylight, and after a march of twelve miles, found the Indians, numbering about 400 warriors, very strongly posted in the deep ravine through which Battle Creek enters Bear River. To attack this natural fortress the troops had to cross an open plain about half a mile in width, in plain view of the Indians, who were hidden behind the steep banks of the stream. The troops reached Bear River early in the morning of an intensely cold day. The river was full of running ice, but was gallantly forded, many of the mengetting wet and afterwards having their feet and legs frozen.

"As the troops advanced they met a deadly fire from the Indian rifles; but without wavering pressed steadily on, and after a bloody contest of some hours, in which the Indians fought with desperation, the survivors, about 100 in number, fled. Pocatello and Saguich, two noted chiefs, escaped, but Bear Hunter was killed while making bullets at a camp fire. When struck he fell forward into the fire and perished miserably. For years he had been as a thorn to the settlers, and his death caused regret in none. A simultaneous attack in front and on both flanks finally routed the Indians, whose dead, as counted by an eye-witness from Franklin, amounted to 368, besides many wounded, who afterwards died. About ninety of the slain were women and children. The troops found their camp well supplied for the winter. They burnt the camp and captured a large number of horses. The troops suffered severely in killed and wounded, besides a great number who had their feet and legs frozen by fording Bear River. The morning after the battle and an intensely cold night, a soldier found a dead squaw lying in the snow, with a little infant still alive, which was trying to draw nourishment from her icy breast. The soldiers, in mercy to the babe, killed it. On their return the troops remained all night in Logan, the citizens furnishing them supper and breakfast, some parties, the writer among the number, entertaining ten or fifteen each. The settlers furnished teams and sleighs to assist them in carrying the dead, wounded and frozen to Camp Douglas. In crossing the mountains between Wellsville and Brigham City the troops experienced great hardships. They toiled and floundered all day through the deep snow, the keen, whirling blasts filling the trail as fast as made, until, worn out, the troops returned to Wellsville. Next day Bishop W. H. Maughan gathered all the men and teams in the place and assisted the troops through the pass to Salt Lake Valley.

"The victory was of immense value to the settlers of Cache County and all the surrounding country. It broke the spirit and power of the Indians and enabled the settlers to occupy new and choice localities hitherto unsafe. Peter Maughan, the presiding bishop of the County, pronounced it an interposition of Providence in behalf of the settlers; the soldiers having done what otherwise the colonists would have had to accomplish with pecuniary loss and sacrifice of lives illy spared in the weak state of the settlements. This was the universal sentiment of the County. It made the flocks and herds and lives of the people comparatively safe; for though the survivors were enraged against the people of the County, whom they regarded as in a manner aiding and abetting the troops, they felt themselves too weak to forcibly seek revenge."

## CHAPTER XXXIII.

GREAT MASS MEETING OF THE CITIZENS TO PROTEST AGAINST THE CONDUCT OF GOVERNOR HARDING AND JUDGES WAITE AND DRAKE. THE READING OF HIS MESSAGE TO THE LEGISLATURE. DEEP INDIGNATION OF THE PEOPLE. STIRRING DENUNCIATIONS BY THE LEADERS OF THE PEOPLE. RESOLUTIONS. PETITION TO ABRAHAM LINCOLN FOR THE REMOVAL OF THE GOVERNOR AND JUDGES. A COMMITTEE APPOINTED TO WAIT UPON THEM AND ASK THEIR RESIGNATION IN THE NAME OF THE PEOPLE. THE COMMITTEE'S REPORT.

In the Spring of 1863 there occurred a demonstration of the people of Great Salt Lake City over the conduct of Governor Harding and Judges Waite and Drake. An immense mass meeting was held in the city on the 3rd of March As a prelude to the proceedings Captain Thomas' brass band played "Hail Columbia," after which the meeting organized with the Hon. Daniel Spencer, chairman. Next came a prayer from the chaplain, Joseph Young, for divine guidance in their important business, followed by the band playing the "Star Spangled Banner," after which the Hon. John Taylor arose and briefly stated the object of the meeting. They had met together, he said, for the purpose of investigating certain acts of several of the United States officials now in the Territory. It was a mass meeting of the citizens, and he, for one, desired to hear a proper statement of the course of the persons alluded to, so far as that affected the citizens of the Territory, laid before the people, and that such action might be adopted as they thought proper, and as the circumstances demanded.

The time had come for certain documents to be placed before the people and before the country, and on which they could not avoid taking action. Though the Legislature was under no obligation at the opening of the session to publish the Governor's message—as such action on their part was purely complimentary—they did at first contemplate doing so, but on reflection, considered that the character of that message was such that they could not with respect to themselves and to the community do so, and many were of opinion that its publication at that time might have subjected his Excellency to the insult which his intemperate language had provoked. Mr. Taylor then gave place to the Hon. Albert Carrington, who read the message from the printed Journals of the Legislature.

"*Gentlemen of the Council and House of Representatives of the Territory of Utah:*

"Since the adjournment of the eleventh annual session of this body, the office of Governor of this Territory has been conferred upon me according to law. On the 7th day of July last I arrived in this city and assumed the duties of my office. I had heard much of the industry and enterprise of the people of

Utah, but I must admit that my most sanguine expectations were more than realized upon my arrival here. A few years since this Territory was only known as a desert. I found it the home of a large and thriving population, who have accomplished wonders in the short period that it has been settled; and under the steady progress of labor, protected in its indefensible rights, the whole area embraced in the Organic Act establishing this Territory must present a spectacle to the people of the United States as satisfactory to them as it is creditable to yourselves.

"The present season has been one of unusual abundance, not only here, but throughout the entire Union; and, notwithstanding civil war has made desolate many of the fairest districts which have ever been the abode of a civilized people; yet He who has promised 'seed time and harvest,' and 'the rain to fall upon the unjust as well as the just,' has still remembered the whole American people with superabundant mercies. If the harmony of the world has been marred, it has not been through the withholding of His kindness from the nation.

"It is not necessary for me to dwell upon the causes which have superinduced the unhappy troubles now existing in the States of the American Union. That African slavery, and the unnatural antagonisms which grow out of that relation, lie at the foundation, I have no doubt. I am aware that other reasons have been assigned, but such reasons are confined to but very few in comparison to the many who will agree with me in my proposition. That it is the duty of every lover of human liberty and friend of republican institutions on this continent to stand by the Government in its present trials is, to my mind, a proposition too clear for argument. Notwithstanding organized treason is still making gigantic efforts to carry out its purpose of the destruction of the Union, yet I am happy in the belief that the rebellion has culminated; that it can never be as strong again as it has been for a few months past. The extremest measures have been resorted to in the rebel States to put the last man in the field for the purpose of sustaining the rebel flag; nevertheless, that flag has been compelled to retreat step by step before the victorious legions of the Union, and still there are millions of men to be called into the field, if it shall hereafter be found that those millions are needed.

"CONSERVATISM OF THE ADMINISTRATION.

"The most conservative advocate of the Union, no matter what his opinions heretofore may have been on the question of slavery, cannot complain of the policy of the Administration of President Lincoln in dealing with this question. While it was known to all men that 4,000,000 of chattel slaves were supplying their rebel masters with means to prosecute their work of ruin to the Government, and for the overthrow of the Constitution—the joint labors of our common ancestors; yet that same Government, through its civil ministers and military commanders, it must be confessed, hesitated long to strike the rebel interests where its blows could be made to tell with most terrible effect.

"OBJECTS OF THE WAR.

"The present war has not been prosecuted by the Federal Government be-

cause of any hostility towards the institutions of the Southern States, but to preserve the union of the great family of States. The question of emancipation, or no Union, has been thrust upon the President. In meeting that question he has shown a patriotic wisdom worthy the head of a great nation. If the Union could have been preserved and slavery still suffered to remain intact, that institution would never have been disturbed by the American people, but would have been suffered to expand its malign influences in the impoverishment of the soil where it exists, until finally it must have perished by the inexorable law of retribution, which, like an avenging Nemesis, is ever following in the track of wrong. But no matter when or how the present difficulties may be settled, slavery is doomed—it must perish, from the very nature of things.

"PROCLAMATION OF EMANCIPATION.

"On the first day of January, proximo, the time given by the President to the slave masters of the rebel States will have expired. If madness shall still rule in their councils and no returning sense of duty or patriotism shall have been awakened in their hearts, and they shall still refuse to return to that allegiance which is their plainest duty, then the President, exercising that power which he holds as commander-in-chief, and which, as a war power, no man, whose opinions are entitled to the least respect, has ever denied, will by proclamation declare the freedom of every slave in the States or districts of States, where such rebellion shall then exist. This new order of things may for a time jostle the commercial interests of not only this country, but of the whole civilized world; but order and harmony will soon be restored, and our system of Government will still be preserved, with no disturbing element remaining—a beacon-light to the nations, and a refuge to countless millions who will come after us.

"ADMISSION OF THE STATE OF DESERET INTO THE UNION.

"After the adjournment of the last session of this body, in accordance with a joint resolution emanating therefrom, the people of this Territory proceeded to elect delegates to form a Constitution for the State of Deseret; and after such Constitution was formed and adopted, the people proceeded to elect a Governor, Lieutenant-Governor, and other officers, amongst which was a representative to Congress; and also two United States Senators were elected. One of the gentlemen elected as a United States Senator proceeded to Washington City and caused to be laid before Congress the object of his mission. He was treated with that courtesy to which a gentleman on so grave a mission should ever be entitled. He was permitted to occupy a seat within the bar of the Senate chamber, and was otherwise received with the kindest consideration. In consequence of the lateness of the session, it could not be expected that more would have been done than was in the premises. The Constitution and other documents were referred to the appropriate committee, where the matter now rests. That the question will be taken up at the approaching session of Congress and acted on in that spirit of fairness that becomes a great and generous nation, I have no doubt.

"I am sorry to say that since my sojourn amongst you I have heard no sentiments, either publicly or privately expressed, that would lead me to believe that

much sympathy is felt by any considerable number of your people in favor of the Government of the United States, now struggling for its very existence 'in the valley and shadow' through which it has been called to pass. If I am mistaken in this opinion no one will rejoice more than myself in acknowledging my error. I would, in the name of my bleeding country, that you, as the representatives of public sentiment here, would speedily pass such a resolution as will extort from me, if necessary, a public acknowledgment of my error, if error I have committed.

"I have said this in no unkind spirit; I would much rather learn that the fault has been on my part and not on yours.

"I regret also to say, I have found in conversing with many gentlemen of social and political influence, that because the question of the admission of this Territory into the Union was temporarily postponed, distrust is entertained in regard to the friendly disposition of the Federal Government, and expressions have been used amounting to inuendoes at least, as to what the result might be in case the admission should be rejected or postponed. Every such manifestation of spirit on the part of the objectors is, in my opinion, not only unbecoming, but is based on an entire misconception of the rights of the applicant, and the duties of the representatives of the States composing the Union.

"The Constitution of the United States provides, in Art. 4, and Sec. 3, 'that new States may be admitted by Congress in this Union,' etc. The question properly arises, when and how are they to be admitted? Not, surely, upon the demand of the people of the Territory seeking to be admitted, but upon the consent of Congress. When that consent becomes a right to be demanded, depends on circumstances. It is doubtless the interest and policy of the Federal Government to admit the Territories belonging to it to the status and condition of States whenever there is a sufficient population to warrant it, and they apply to Congress with a Constitution republican in spirit and form.

"But still the Congress has not only the right but it is one of their gravest duties, to see that this great boon is not conferred upon a people unprepared to enter into the great political family on a basis that is unjust to other members of the Union. Amongst the first inquiries is that in relation to the population of the Territory knocking for admission. Is it such as to entitle a State to a member in the House of Representatives? If such is the case, and the Constitution which has been adopted as the organic law is such as the Constitution of the United States contemplates; if the same has been adopted in good faith, and the people are loyal to the Constitution and the laws, and desire the welfare of the Federal Government, then it becomes not only the duty of the Congress to admit such applicant, but the latter has a right morally and politically to demand such admission. But on the other hand, if it is not clearly shown that there is a sufficient population, that the Constitution is republican in form and spirit, that the same has been adopted in good faith, and that the people are loyal to the Federal Government and to the laws, then the right to make such demand does not exist, nor should the application be entertained after these facts appear.

"The admission of a new State into the Union is, or ought to be, attended with gravest consideration. For instance, suppose the population of the Terri-

tory is known to fall far short of the number that entitles the present members of the Union to a representation in Congress, should it be thought hard or strange that objections should be made? Is it thought a hardship that the people of the State of New York, comprising 4,000,000, are not willing that their voices should be silenced in the Senate of the United States by 60,000 or 80,000 in one of the Territories? I am aware that precedents may be cited in some few instances, where these reasons have been overlooked and disregarded, but that fact does not affect the question under consideration. The reasons which controlled Congress at the time referred to were never good and sound ones, but we found in the wishes and ambition of political parties, anxious to control the vote in the electoral college, for chief magistrate. If the precedent was a bad one, the sooner it is changed the better for all parties concerned.

"In connection with this subject, I respectfully recommend the propriety of passing an act whereby a correct census may be taken of the population of the Territory. If it shall be found that the population is sufficient to entitle it to one representative in Congress, on the present basis, I shall be most happy in aiding you to the extent of my humble abilities, in forwarding any movements having for their end, the admission of the Territory into the Union as a State.

"POLYGAMY.

"It would be disingenuous if I were not to advert to a question, though seemingly it has nothing to do with the premises, is yet one of vast importance to you as a people, and which cannot be ignored—I mean that institution which is not only commended but encouraged by you, and which, to say the least of it, is an anomaly throughout Christendom—I mean polygamy, or, if you please, plural wives. In approaching this delicate subject, I desire to do so in no offensive manner or unkind spirit; yet the institution, founded upon no written statute of your Territory, but upon custom alone exists. It is a patent fact, and your own public teachers, by speech and pamphlet, on many occasions, have challenged its investigation at the bar of Christendom. I will not on this occasion be drawn into a discussion either of its morality or its Bible authority; I will neither affirm or deny any one of the main proceedings on which it rests. That there is seeming authority for its practice in the Old Testament Scripture, cannot be denied.

"But still there were many things authorized in the period of the world when they were written which could not be tolerated now without overturning the whole system of our civilization, based, as it is, on the new and better revelation of the common Savior of us all. While it must be confessed that the practice of polygamy prevailed to a limited extent, yet it should be remembered that it was in that age of the world when the twilight of a semi-barbarism had not yielded to the effulgence of the coming day, and when the glory and fame of the kings of Israel consisted more in the beauty and multitude of their concubines than in the wisdom of their counselors. "An eye for an eye, and a tooth for a tooth," was once the *lex talionis* of the great Jewish law-giver. So capital punishment was awarded for Sabbath breaking; and there were many other statutes and customs which at this age of the world, if adopted, would carry us backward into the centuries of barbarism.

"I lay it down as a sound proposition that no community can happily exist with an institution as important as that of marriage wanting in all those qualities that make it homogeneal with institutions and laws of neighboring civilized communities having the same object. Anomalies in the moral world cannot long exist in a state of mere abeyance; they must form the very nature of things, become aggressive, or they will soon disappear from the force of conflicting ideas. This proposition is supported by the history of our race, and is so plain that it may be set down as an axiom. If we grant this to be true, we may sum up the conclusion of the argument as follows: either the laws and opinions of the community by which you are surrounded must become subordinate to your customs and opinions, or, on the other hand, you must yield to theirs. The conflict is irrepressible.

"But no matter whether this anomaly shall disappear or remain amongst you, it is your duty at least, to guard it against flagrant abuse. That plurality of wives is tolerated and believed to be right, may not appear so strange. But that a mother and her daughter are allowed to fulfill the duties of wives to the same husband, or that a man could be found in all Christendom who could be induced to take upon himself such a relationship, is perhaps no less a marvel in morals than in matters of taste. The bare fact that such practices are tolerated amongst you is sufficient evidence that the human passions, whether excited by religious fanaticism or otherwise, must be restrained and subject to laws, to which all must yield obedience. No community can long exist without absolute social anarchy unless so important an institution as that of marriage laws is regulated by law. It is the basis of our civilization, and in it the whole question of the descent and distribution of real and personal estate is involved.

"Much to my astonishment, I have not been able to find any laws upon the statutes of this Territory regulating marriage. I earnestly recommend to your early consideration the passage of some law that will meet the exigencies of the people.

"ACT OF CONGRESS AGAINST POLYGAMY.

"I respectfully call your attention to an Act of Congress passed the first day of July, 1862, entitled "An Act to punish and prevent the practice of polygamy in the Territories of the United States, and in other places, and disapproving and annulling certain Acts of the Legislative Assembly of the Territory of Utah." (Chap. CXXVII. of the Statutes at Large of the last Session of Congress, page 501.) I am aware that there is a prevailing opinion here that said Act is unconstitutional, and therefore it is recommended by those in high authority that no regard whatever should be paid to the same—and still more to be regretted, if I am rightly informed, in some instances it has been recommended that it be openly disregarded and defied, meanly to defy the same.

"I take this occasion to warn the people of this Territory against such dangerous and disloyal counsel. Whether such Act is unconstitutional or not, is not necessary for me either to affirm or deny. The individual citizen, under no circumstances whatever, has the right to defy any law or statute of the United States with impunity. In doing so, he takes upon himself the risk of the penal-

ties of that statute, be they what they may, in case his judgment should be in error. The Constitution has amply provided how and where all such questions of doubt are to be submitted and settled, viz: in the courts constituted for that purpose. To forcibly resist the execution of that Act would, to say the least, be a high misdemeanor, and if a whole community should become involved in such resistance, would call downu pon it the consequences of insurrection and rebellion. I hope and trust that no such rash counsels will prevail. If, unhappily, I am mistaken in this, I choose to shut my eyes to the consequences.

"LIBERTY OF CONSCIENCE.

"Amongst the most cherished and sacred rights secured to the citizens of the United States, is the right 'to worship God according to the dictates of conscience.' It would have been strange indeed, if the founders of our Government had not thrown around the citizen this irrevocable guaranty, when it is remembered that so many of the framers of the Constitution must have been familiar with the acts of the British Parliament against 'non-conformists,' and had witnessed the injustice and hardship resulting therefrom. They had seen men of the most exalted abilities and virtues excluded from places of public trust for no other reason than that they would not subscribe to all of the dogmas of a church established by law. They had witnessed, at the same time, other men of the most questionable integrity and morality clothed in the robes of prelate and bishop, exacting without stint or mercy, enormous revenues from an unwilling people, and spending the same in the pursuit of an unholy ambition, and in a luxury that better befitted some Eastern satrap than the followers of 'the meek and lowly Jesus,' in whom they professed to believe. In the light of their past experience, and inspired by the great primal truths of the Declaration, the 'indefeasible rights of man to the enjoyment of life, liberty and the pursuit of happiness' still sounding in their ears, they founded a government on the basis of religious toleration, before unknown to mankind. This could not well have been otherwise, from the very nature of things. It was the inevitable corollary that proceeded from the premises, and thus was it that religion was made a matter between man and his Maker, and not between man and the Government.

"But here arises a most important question, a question perhaps that has never yet been asked or fully answered in this country—how far does the right of conscience extend? Is there any limit to this right? and, if so, where shall the line of demarcation be drawn, designating that which is not forbidden from that which is? This is indeed a most important inquiry, and from the tendency of the times, must sooner or later be answered. I cannot and will not on this occasion pretend to answer this question, but will venture the suggestion that when it is answered the same rules will be adopted as if the freedom of speech and of the press were involved in the argument.

"Let us refer to this provision of the Constitution; it is found in the first article of the amendments: 'Congress shall make no laws respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press' Can we logically infer from the above provision that these rights are not co-relative, or that they do not rest on the same princi-

ples? that one of these rights is of more importance to the citizen than the other, and that his duty in their 'free exercise' is not the same? I think not.

"Let us briefly examine this proposition. Because 'the freedom of speech and of the press' is guaranteed, can the citizen thereby be allowed to speak slanderously and falsely of his neighbor? Can he write and print a libel with impunity? He certainly cannot; and his folly would almost amount to idiocy if he should appeal to the Constitution to shield him from the consequences of his acts. But the question may be asked—why not? The answer is at hand. Simply because he is not allowed to abuse these rights. If, upon a prosecution for slander or libel, the defendant should file his plea setting up that provision of the Constitution as a matter of defense, the plea would not only be bad on demurrer, but the pleader would be looked upon as a very bad lawyer. Will any one inform me why the same parity of reasoning should not apply in one case as the other?

"That if an act, in violation of law and repugnant to the civilization in the midst of which that act has been committed, should be followed by a prosecution, could be justified under the guaranty of the Constitution securing the 'free exercise of religion' more than in the case above cited? I shall pause for an answer. There can be no limits beyond which the mind cannot dwell, and our thoughts soar in their aspirations after truth. We may think what we will, believe what we will, and speak what we will, on all subjects of speculative theology. We may believe with equal impunity the Talmud of the Jew, the Bible of the Christian, the Book of Mormon, the Koran, or the Veda of the Brahmin. We cannot elevate, other than by moral forces, the human soul from the low plane of ignorance and barbarism, whether it worships for its God, the Llama of the Tartars, or the Beetle of the Egyptians. But when religious opinions assume new manifestations and pass from mere sentiments into overt acts, no matter whether they be acts of faith or not, they must not outrage the opinions of the civilized world, but, on the other hand, must conform to those usages established by law, and which are believed to underlie our civilization.

"But, the question returns—Is there any limit to the 'free exercise of religion?' If there is not, then in the midst of the nineteenth century, human victims may be sacrificed as an atonement for sin, and "widows may be burned alive on the funeral pile." Is there one here who believes that such shocking barbarisms could be practiced in the name of religion, and in the 'free exercise thereof' in any State or Territory of the United States? If not, then there must be a limit to this right under consideration, and it only remains for the proper tribunal at the proper time to fix the boundaries, as each case shall arise involving that question.

"POWERS VESTED IN THE GOVERNOR BY THE ORGANIC ACT.

"The Act of Congress organizing the Territory of Utah, and providing a Government therein, defined with sufficient certainty the duties of each department in said Government. These several departments were made to consist of the Executive, the Legislative and the Judicial. Amongst the duties imposed upon the Governor, is that of nominating certain officers, by and with the advice and consent of the Council. The first question that arises under this head is, what

officers are to be nominated by the Governor? The seventh section of said Act is in the following words: 'And be it further enacted, that all township, district and county officers, not herein otherwise provided for, shall be appointed, or elected, as the case may be, in such manner as shall be provided for by the Governor and Legislative Assembly of the Territory of Utah.' The Governor shall nominate, and by and with the advice and consent of the Legislative Council (not Assembly) appoint all officers not herein otherwise provided for, etc. Township, district and county officers are to be appointed or elected, as the case may be, in such manner as the Governor and Legislative Assembly may direct. It is clear to my mind that the Organic Act contemplates two classes of officers, viz: township, district and county, and another class not included in the former, which embraces all officers strictly Territorial, such as attorney-general for the Territory, marshal, auditor, treasurer, etc.

"I cannot arrive at any other conclusion in the examination of the Act, than that the officers not included in the first class must be appointed by the Governor, by and with consent of the Legislative Council, and cannot be elected, as in the former instance, by joint ballot of the Legislative Assembly, have held such offices contrary to law and have been removed upon the prosecution of a writ of *quo warranto*. It follows further, that if such officers acted without authority of law their acts were void, and are not binding upon the citizens. This becomes a question of much importance when we consider the hardship and inconvenience that may hereafter grow out of the same. I respectfully submit for your consideration, whether it would not be safer either to pass some law legalizing the acts of such persons, while in the supposed discharge of their duties, or it may be that it would require an Act of Congress legalizing such assumed official acts.

"Before dismissing this part of my subject, I feel it to be my duty to suggest to you whether a very grave question may not hereafter arise as to the authority of the Legislative Assembly to elect by joint ballot any of the officers denominated as 'township, district or county officers.' I have been unofficially advised that the word 'election' as used in the Organic Act, might be held to refer to the people, and not to the Legislative Assembly. If such a question should hereafter arise, and such a possible view should be taken in deciding this question, it would involve the most serious consequences. I will express no opinion on the subject. I only raise the question for your consideration.

"REVISION AND CODIFICATION OF THE STATUTES.

"I respectfully call your attention to the necessity of a thorough revision and codification of the statutes of this Territory. I am aware that something was attempted at your last session in that direction; but it seems to me that the committee which had that duty under their charge stopped far short of what was required at their hands. It is the duty of the law makers to leave the statutes by which the people are to be governed so plain in their several requirements that the stranger cannot be misled. It is extremely difficult to ascertain what precise statutes are in force on many subjects in this Territory. Besides this, there are many provisions in the statutes manifestly unjust, and whilst they remain must be considered anomalies. I will not consume time in any argumentation on this

subject, believing that it will be only necessary to call your attention to the facts as they exist.

"Amongst the most objectionable of these provisions, may be found the following in the revised statutes of 1855, and which are still in force:

"Chap. 5, relating to justices of the peace. Secs. 8, 15, 19.

"Chap. 3, relating to the procedure in civil cases. Sec. 28.

"Chap. 6, relating to attorneys-at-law. This whole chapter should be repealed.

"Chap. 12, relating to estates of decedents. Secs. 14, 24, 25, 26. The great objection to these sections is, that no limit whatever is fixed to the value of the estate, thereby cutting off claims which ought to be paid, when there is enough to do so, and still the family will be left in comfortable circumstances.

"Chap. 18, in relation to divorces. There should be a specified time when such notice of the pendency of the application should be given to the defendant. Sec. 18, in the same chapter, gives the probate judge power too plenary. In questions of so much importance, the party should have the benefit of a trial by jury.

"Chap. 32 should be stricken from the statute. No such crime as treason against a Territory is known to the laws.

"I call your attention especially to sections 112 and 113, under the title of 'Justifiable Killing, and the Prevention of Public Offences.' These provisions are too palpably unjust to stand a day on your statutes. It would be an easy matter for a man to be murdered, and yet under these provisions his murderer could escape under the plea that the circumstances were such as to excite his fears that certain acts either would be done or had been, for which he claimed the immunity of the statute. If your laws against the offenses therein named are not sufficiently penal, make them so; but to authorize by a public statute the killing of a man on mere suspicion that he has committed or will commit certain acts, which are less than capital upon his conviction after a fair trial, seems to be most cruel and unjust. In China, it is said that a high Mandarin of the 'blue button' may kill with impunity a person suspected of stealing rice, and cut open his stomach to find the evidence of his guilt. In no other instance have I been able to find any statute or custom analogous to the one under consideration. No community can adopt the principles contained in that statute without soon becoming (dropping the figure) 'as a whitened sepulchre filled with dead men's bones.

"VOTING BY BALLOT.

"I respectfully call your attention to Chap. 47, Sec. 5, in relation to voting at elections by ballot. Said section is as follows: 'Each elector shall provide himself with a vote containing the names of the persons he wishes elected, and the offices he would have them fill, and present it neatly folded to the judge of the election, who shall number it and deposit it in the ballot-box. The clerk shall then write down the name of the elector opposite the number of his vote.' Why the elector should be required to provide himself a vote and present it neatly folded, perhaps can be satisfactorily explained; but I confess that the object of voting by ballot is completely defeated by the above provisions. Why

not vote *viva voce* at once. The great object to be obtained in voting at our popular elections is absolute freedom of the elector in depositing his vote. Hence it is that in most, if not all the States, the right of voting by secret ballot is secured to the elector by stringent laws. The reason is obvious. A thousand circumstances might so completely surround the elector that he would be compelled oftentimes to vote against the convictions of his judgment, and yet could not, if interested and powerful parties were permitted to exercise their control over him in the discharge of one of his most sacred duties.

"In connection with this subject, I take pleasure in adopting the language of my worthy predecessor, Governor Cumming, as being eminently fit and proper: 'Many of the laws now on the statute book were passed under a condition of things which will soon cease to exist. You cannot reasonably anticipate a continuance of the partial isolation which has characterized your early history in this region. It must be borne in mind, that you are situated upon the great highway between the oceans, which is already traversed by expresses and telegraphs, and is soon to witness the establishment of a railroad transporting through your valleys the commodities of the world. It would be well that you make timely preparation for changes that are fast approaching you, and are ultimately inevitable. New relations between yourselves and the outer world must occur. I would therefore urge upon you that you appoint a committee to prepare a code of laws suitable for the present and future requirements of this community. The judges are constituted your legal advisers in these matters—to them I refer you.' If this was true in 1860, how much more is it true to-day? The constantly increasing travel over the great Overland Mail route, the thousands of emigrants passing yearly through your Territory, many of whom become permanent citizens, admonish all of us that your days of isolation from the outside world have forever passed. Even if it were desirable, you cannot longer remain isolated and walled in by these natural ramparts around you. Every canyon susceptible of improvement will be converted into some thoroughfare where the never-ceasing tide of our population will be poured along. Every nook and valley, which for ages have been trodden by wild beasts or savage men, will become the home of some enterprising citizen whose right it will be to claim the protection of just and wholesome laws.

"FINANCIAL.

"I herewith annex the auditor's and treasurer's reports for the year 1862. They have been made out with so much clearness in their details that it is only necessary for me to refer them to you, accompanying the former with a few brief suggestions. By reference to appended statement "A" in the auditor's report, it will be seen that the aggregate amount of taxable property assessed within the said Territory for the year 1862 is $4,779,518; and the same statement shows a tax due the Territorial treasury for the current year, estimated at one per cent., of $47,795.18, from which will have to be taken, for cost of assessing, collecting and remittances by county courts, at least 12 per cent.; leaving a probable net revenue of $42,059.76.

"The whole Territorial liability, including the direct tax assessed by the

United States, and assumed by the Territorial Legislature, January 17, 1862, amounts to the aggregate sum of $40,199.31. The assets out of which this sum is to be paid, by reference to the same report, amounts to the sum of $50,612.10, leaving a balance still in the treasury on the 1st day of November, 1862, of $10,412.99. The above result cannot fail in being satisfactory to you. The report of the treasurer is so clear and concise that it is not necessary for me to add one word more than what is contained in the report itself.

"Before dismissing the subject I call your attention especially to the auditor's report for the year 1861, in regard to the aggregate value of taxable property within this Territory for that year. By examining the same you will find that such aggregate amount was $5,032,184—thereby showing the strange fact that since that assessment was made there has been a falling off in the value of taxable property within this Territory in a single year of $252,666, and what is still more remarkable, this apparent loss in Great Salt Lake County alone has been $140,280, whilst, on the other hand, in the County of Davis, there has been an apparent gain of $410,514. I am advised that the cutting off a portion of this Territory, and adding the same to that of Nevada, cannot account for this phenomenon.

"If there is no mistake in these computations it presents a most remarkable fact indeed. I shall not attempt to account for it here, but call your attention to the same, merely adding that in the absence of great local calamities, which affect in their nature whole communities, I question whether such an instance can be found in the history of any people. But it remains with you to account for this phenomenon. This city is the heart and centre of the county where so remarkable a deficiency has developed itself, and yet there certainly has been no natural causes for this condition of things. Not only have the people stood still in all of their industrial pursuits, absolutely earning nothing over and above their current expenses that goes to swell the aggregate wealth, but there has been a positive loss, if we are to be governed by these data, in Great Salt Lake County alone, in one year, of $140,280. Can this be so, when we take into consideration that the present year has been one of unusual prosperity, while the labors of the husbandman have been most bountifully paid, and on every hand of this thriving city unmistakable evidences of prosperity are apparent? This result can only be accounted for on one hypothesis, viz: in former years the valuation of property has been too high, or the present year it has been too low. These fluctuations to some extent will always exist from factitious causes alone, in spite of the greatest precaution; but it is the duty of the Legislature to guard not only the people but the treasury, against abuses of the kind, if any exist. There can be no wrong to the people in the collection of an *ad valorem* tax, providing the property has been fairly assessed and its value fairly determined. The revenue is the common fund of the people, and there should be no favoritism in the collection of the same. No matter whether the individual property-holder possesses ten, twenty or a hundred thousand dollars' worth, he should submit to the same rules in determining its value, as if he was the owner only of one hundred or ten hundred dollars' worth.

"MISCELLANEOUS.

"On the 29th of October last the Secretary of the Interior addressed me a letter informing me that he had designated me to receive for the Territorial Library here, two sets of the documents of the 2d session of the 36th Congress; that by the Act approved the 14th March, 1862, making appropriations for the Legislative, Executive and Judicial expenses for the Government for the year ending 30th June, 1862, there is the following provision: 'Provided, that the said journals and documents shall be sent to such libraries and public institutions only as shall signify a willingness to pay the cost of transportation of the same.' Upon inquiry I find that no funds were at my disposal with which to pay for such transportation, and I notified the Department accordingly.

"There will doubtless be other important documents to be distributed on the same terms hereafter, and I recommend that you provide the necessary means whereby you can avail the people of this Territory of the benefits of these donations.

"I am advised that the penitentiary of this Territory is in a dilapidated condition, and that some repairs are absolutely necessary in order to make the same a safe or proper receptacle for public offenders. I recommend that you memorialize Congress upon that subject.

"I have not been able to find any law upon your statutes inaugurating a common school system, or that any money has been appropriated with a view to that end, although you have appropriated money to other objects of much less importance, for instance, in keeping up a *quasi* military establishment at a considerable expense to the people. As much as this condition of things at one period of your history may have been required, it seems to me that the time has passed when the Territorial fund should be used for that purpose at the expense of so important a measure as that which looks to the education of the rising generation amongst you. I need not dwell here upon the importance of common schools; your intelligence must supply any argumentation on my part.

"The condition of the militia of this Territory is unknown to me. Although the statute organizing the same makes it the duty of the lieutenant-general commanding to report to the Governor, who is recognized as commander-in-chief, on or before the 1st day of December, annually; yet no such report has been made to me, and therefore I am wholly uninformed on the subject. If I shall hereafter deem it my duty, I may require that such report be made.

"There are many other topics to which, perhaps, I ought to refer, but I have no data from which to draw conclusions. If reports on any of these subjects shall hereafter be made to me I will communicate them to you, with such suggestions as I shall deem proper.

"INDIAN TROUBLES.

"Complaints have been frequently made to me during the past summer and up to a recent period by immigrants who have suffered great loss and violence from hostile Indian bands who infest some parts of this and adjoining Territories, whilst peacefully pursuing their travel to such points of destination as was their right to do; and from statements which I believe to be reliable, certain residents of this

Territory have been known openly to barter and trade with the Indians for clothing and other articles which they at the time must have known were the spoils and plunder from murdered citizens. These practices have, in my opinion, a direct tendency to encourage these outrages against humanity. I respectfully suggest for your consideration whether any legislation is demanded at your hands to prevent these outrages in the future. The presence of a military command here will doubtless have a tendency to prevent many of these horrors.

"I am glad that I am enabled to inform you that the Federal Government has made arrangements to hold treaties with some if not all the tribes of Indians that have so long infested this and neighboring Territories, and it is to be hoped that this will be done at an early day, and the Indian title to the lands therein be speedily extinguished, and such disposition will be made of their former occupants as becomes a great, generous and just Government.

"HOMESTEAD ACT.

"On the 1st day of January, 1863, the Homestead Act passed on the 20th May last will go into effect, thereby enabling any person who is of the age of 21 years, or who is the head of a family, or who has performed service in the army or navy of the United States, and who has not been in arms against the United States, or given aid or comfort to the enemies thereof, and has declared his intention to become a citizen of the same, to enter on and take possession of 160 acres of any of the public lands not otherwise appropriated, and by cultivating the same for the term of five years, and paying $10, will, upon the compliance with these conditions, be entitled to a patent for the same. Thus will it be in the power of every loyal citizen to possess a homestead of 160 acres of land, secured from all liabilities from any debts which he may have contracted prior to his patent for the same. When it is remembered that the beneficent act was intended to secure a home to every loyal citizen, on terms so easy and just, its consequences for good cannot well be estimated to the present and future generations. What patriotic devotion does the recipient of this great boon not owe to the Government that thus shields himself and his family from the possibility of want, if he will make use of the means that God and nature have given him! What should be the character of that loyalty due from the citizens from such a Government—a Government which enables him at one bound, although ruined in his fortunes, to spring from indigence and poverty to comparative ease and independence? The Indian title to the lands in our vast territories will soon be extinguished, and they will be open to settlement on the terms above presented. What inducements are there which are not held out to those just beginning life, and who may reasonably hope to witness thriving cities springing up where the wild Indian now lights his camp fires and pitches his rude lodge!

"When it is also remembered that every rood of land in this Territory will be open to the citizens, upon no harder terms than that they will occupy and cultivate it, and remain loyal to our common Government, who should doubt for a moment that such a golden opportunity shall be offered in vain, or that one link shall be stricken from the chain of sympathy that should ever bind us alike in interest, in body and soul, to that same benign and just Government?

"CONCLUSION.

"I have felt it my duty to urge upon your earnest consideration the suggestions and measures herein recommended; at the same time I felt that I would be wanting in proper respect to you were I to accompany each of these recommendations with an assignment of all the reasons which might be urged in their favor. I am accountable to the Government of our common country for these recommendations. You too are accountable to the same tribunal and to your immediate constituents for the disposition that you make of them. It is your province and duty to consider and discuss them, and either adopt or reject them as your wisdom shall determine.

"I desire to assure you, gentlemen, that nothing in my power shall be wanting to demonstrate my honest regard for the interest and welfare of the people of this Territory. They deserve much at the hands of the Federal Government for their persevering industry; and, so far as my humble efforts may contribute to that end they shall never be wanting. No matter what differences of opinion may exist between us on many subjects, I will endeaver to convince you of my sincerity by the uprightness of my conduct, and shall always be satisfied with the discharge of my official duties, when I know that they stand approved by the general voice of the people.

"May each one of you be clothed with wisdom from on high, in the discharge of the important duties which devolve upon you, and may your deliberations be such as not only to secure the lasting peace, happiness and prosperity of the people of this Territory, but also redound to the welfare and glory of our common county.

STEPHEN S. HARDING.

"*Great Salt Lake City, U. T., December 8, 1862.*"

The reading of the message was listened to with great attention, and at its conclusion, the audience unmistakably indicated their uneasiness over the insult offered to their representatives, who had been forced to listen to its delivery by the Governor in person. There was one deep feeling of contempt manifest for its author. Mr. Carrington then alluded to the inconsistences of the Governor's professions and his actions. He said his Excellency reminded him of the man and his cow. He commenced with sweet apples and at every opportunity threw in the onions. The Governor commenced with admitting that the Constitution debarred him from interfering with their religious rights, and at every opportunity throughout the message he attacked them. He said he would neither affirm nor deny with regard to the question of polygamy, yet at the same time, he held it up to ridicule and obloquy, and everywhere affirming that it was not only contrary to civilization, but anomalous, and that it could not be endured, was contrary to the law and unconstitutional, while at the same time he conceded that it was a religious rite and a matter of faith with the people. These were, he said, a few of the reasons which induced the Legislative Assembly to waive the complimentary publication of the message, in hopes that his Excellency might consider his folly, mend his ways and pursue the course which he promised in the latter part of his message; but how consistently he had acted

since that time, the audience would be able to judge after the reading of other documents during the meeting.

IMPORTANT DOCUMENTS FROM WASHINGTON.

Mr. Carrington then read correspondence from Hon. John M. Bernhisel, Delegate to Congress, and from the Hon. Wm. H. Hooper, Senator-elect, in which the unjustifiable proceedings of Governor Harding and the Associate-Justices Waite and Drake were exposed. Mr. Carrington read an extract from a letter, dated Washington, 22d January, in which Governor Harding was represented to have communicated to the Hon. Hannibal Hamlin, Vice-President of the United States and President of the Senate, his message, accompanied by a letter stating that the message had been suppressed through the influence of one of our prominent citizens, referring, unquestionably, to Governor Young. The following is the last paragraph of the letter referred to:

"I entertain strong hopes that we shall be able to obtain, before the termination of the session, an appropriation to liquidate your Indian amounts, unless prevented by Governor Harding's *insinuation of the disloyalty of our people.*"

The following is an extract from a letter, dated Washington, February, 1863:

"On the 11th of December last, Senator Browning introduced a bill in the Senate, which was referred to the Committee on the Judiciary. This bill was prepared at Great Salt Lake City, and its enactment by Congress, recommended by Governor Harding and Judges Waite and Drake. The leading and most exceptional features of this bill are the following: 1st: It limits the jurisdiction of the Probate Court to the probate of wills, to the issue of letters of administration and the appointment of guardians. 2: It authorizes the Marshal to summon any persons within the district in which the court is held that he thinks proper as jurors. 3: It authorizes the Governor to appoint and commission *all* militia officers, including Major-General, and remove them at pleasure. It also confers on the Governor authority to appoint the days for training."

On the 27th of January, the Hon. Wm. H. Hooper writes from Washington that "Governor Harding is, of course, doing all he can by letters" against the people of Utah. His letter was chiefly occupied with the bill presented by Mr. Browning. The Senator's letter was entirely confirmatory of those from the pen of our Delegate. He says:

"The bill has been presented, and referred back. There does not appear to have been any action on it. It has not been printed; should it be, I will forward a copy. The bill was drawn up at Salt Lake City, and attached with eyelets. Also attached was as follows: "The bill should be passed." Signed: S. S. Harding, Governor; Waite and Drake, Associate Justices."

The reading of these extracts created quite a sensation. When the insinuation of the disloyalty of the people was read, there was a loud murmur of dissatisfaction throughout the audience. Mr. Carrington's sarcastic reference to the Governor's promise "to help us" and his allusion to His Excellency's private room being a new place for drafting bills for the action of Congress, had a telling effect upon the meeting.

SPEECH OF HON. JOHN TAYLOR.

After the applause had subsided, which greeted his rising, Mr. Taylor said, "It has already been stated that these documents speak for themselves. They come from those who are ostensibly our guardians and the guardians of our rights. They come from men who ought to be actuated by the strictest principles of honor, truth, v rtue, integrity, and honesty, and whose high official position ought to elevate them above suspicion, yet w. at are the results?

"In relation to the Governor's Message, enough perhaps has already been said. We are not here to enter into any labored political disquisitions, but to make some plain matter-of-fact statements, in which are involved the vital interests of this community. There is one feature, however, in that document which deserves a passing notice. It would seem that we are by direct implication accused of disloyalty. He states that he has not heard any sentiments expressed, either publicly or privately, that would lead him to believe that much sympathy is felt by any considerable portion of this people in favor of the Government of the United States. Perhaps we may not be so blatant and loud-spoken as some people are; but is it not patent to this community that the Legislature, during the session of 1861-2, assumed the Territorial quota of taxation, and at the very time that his Excellency was uttering this infamy, a resolution passed by the House, lay on the table, requesting the secretary to place a United States flag on the State House during the session. This was a small affair, yet significant of our feelings.

"It is not a matter of very grave importance to us generally what men may think of us, whether they be Government officials or not; but these allegations assume another form, and their wickedness is now rendered vindictive from the peculiar circumstances in which our nation at the present time is placed. When treason is stalking through the land, when all the energies, the wealth, the power of the United States have been brought into requisition to put down rebellion, when anarchy and distrust run riot through the nation; when, under these circumstances, we had a right to look for a friend in our Governor, who would, at least, fairly represent us, we have met a most insidious foe, who, through base insinuations, misrepresentations and falsehood, is seeking with all his power, privately and officially, not only to injure us before Government, but to sap the very foundations of our civil and religious liberty; he is, in fact, in pursuit of his unhallowed course, seeking to promote anarchy and rebellion, and dabbling in your blood. It is then a matter of no small importance (hear, hear). Such it would seem were Governor Harding's intentions when he read this message, such were his feelings when he concocted it. The document shows upon its face that it was not hastily written; it has been well digested and every word carefully weighed. It most assuredly contains the sentiments of his heart (hear, hear), of which his Washington letters are proof positive in relation to our alleged disloyalty.

"We are told about the generous reception of our senators-elect; of this we are most profoundly ignorant. Their reception was not so gracious as he would represent. He labors under error, for which we do not feel to reproach him; but what are we to think of his official letters to Washington? They are facts. What of his gracious acts of kindness to this people and to their representatives. From the statements of our representatives in Congress, he is the most vindictive

enemy we have. The only man, it would seem, who is insidiously striving to sap the interests of the people, and to injure their reputation, yet he is our Governor, and professes to represent our interests and to feel intensely interested in our welfare. Let us investigate for a short time the results of his acts, should his designs be successful, leaving the allegations of treason out of the question.

"We have been in the habit of thinking that we live under the auspices of a republican government; that we had the right of franchise; that we had the privilege of voting for whom we pleased, and of saying who should represent us; but it may be that we are laboring under a mistake, a political illusion. We have thought too that if a man among us was accused of crimes, that it was his privilege to be tried by his peers; by people whom he lived among, who would be the best judges of his actions. We have farther been of the opinion that, while acting in a military capacity, when we were called to muster into service, to stand in defence of our country's rights, we had a right to the selection of our own officers. It is a republican usage—we have always elected our own militia officers; but if the plotting of Governor Harding and our honorable Judges should be carried into effect we can do so no more; we shall be deprived of franchise, of the rights of trial by an impartial jury, and shall be placed in a military capacity, under the creatures of Governor Harding or his successors' direction; in other words, we shall be deprived of all the rights of freemen, and placed under a military despotism; such would be the result of the passage of this act. Let us examine it a little. An act already framed by the Governor and Judges, passed in the congress of Governor Harding's sitting room, is forwarded to Washington with a request that it be passed. Now suppose it should, what would be the result? As I have stated, we suppose that we possess the rights of franchise; that is a mistake, we do not, we only think we do. The Governor has already taken that from us. How so? Have we not the privilege of voting for our own legislators, our own representatives in the Legislative Assembly? Yes. But the Governor possesses the power of veto. This old relic of Colonial barbarism ingrafted into our Territorial organization was always in existence among us, but never was so foully abused as in the person of our present Governor; he has done all he could to stop the wheels of government, and to produce dissatisfaction, and has exercised his veto to the fullest extent of his power. As an instance of this, there were twenty laws passed the Legislative Assembly, only six of which are approved; two of those were resolutions, one changing the place of meeting from the Court House to the State House, and the other the adjournment to next session. The other four are matters of minor importance, while everything connected with the welfare of the community, fourteen acts, are just so much waste paper. Now, I ask, where is your franchise? In Governor Harding's pocket, or stove.

"Again, in regard to juries, already referred to, you know what the usage has been, in relation to this matter. Governor Harding and the Judges want to place in the hands of the United States Marshal the power of selecting juries whom he pleases, no matter whither they come, or who they are. This is what our honorable Judges and Governor would attempt. Your liberties are aimed at, and your rights as freemen; and then, if you do not like to be disfranchised, and

your liberties trampled under foot by a stranger—if you do not like to have blacklegs and cutthroats sit upon your juries. Mr. Harding wants to select his own military, and choose his own officers to lead them, and then if you will not submit, 'I will make you' [voices all over the house, 'Can't do it,' with loud applause.] We know he cannot do it, but this is what he aims at. [Clapping and great applause.] When these rights are taken from us, what rights have we left? [Cries of 'None.'] It could scarcely be credited that a man in his position would so far degrade himself as to introduce such outrageous principles, and it is lamentable to reflect upon, that men holding the position of United States' Judges could descend to such injustice, corruption and depravity [applause]. These things are so palpable that any man with five grains of common sense can comprehend them; 'he that runneth may read.' It is for you to judge whether you are willing to sustain such men in the capacity they act in or not. [One unanimous cry of 'No!' and loud clapping].

"GOVERNOR YOUNG'S SPEECH.

"On Governor Young responding to the invitation to address the meeting, and approaching the speaker's desk, he was greeted with prolonged deafening applause. He stated that he had no intention of delivering a lengthy address, but while he spoke he would solicit the quiet of the assembly. He knew well the feelings of his auditory; but would prefer that they should suppress their demonstrations of applause to other times and places, when they might have less business and more leisure. On the resumption of perfect silence, he said that they had heard the message of the Governor to the last Legislature of Utah. They would readily perceive that the bread was buttered, but there was poison underneath. It seemed to him that the enemies of the Union, of the Constitution and of the nation, were determined to ruin if they could not rule. A foreseeing person might suppose that they conspired to bring about a revolution in the west, so as to divide the Pacific from the Atlantic States, for their acts tended to that end. He believed that no true Democrat, no true Republican desired to see the nation distracted as it now was, but the labors of fanatics, whether they had plans which they comprehended or not, were in that direction. When Governor Harding came to this Territory last July, he sought to ingratiate himself into the esteem of our prominent citizens, with whom he had early intercourse, by his professed friendship and attachment to the people of Utah. He was then full of their praises, and said that he was ready to declare that he would stand in the defense of polygamy, or he should have to deny the Bible, and that he had told the President of the United States before he left Washington, that if he was called upon to agitate the question, he would haveto take the side of polygamy, or he should have to renounce the Bible. He said, in the Bowery, on the 24th of July, and at other places and at other times that if he ever learned that he was obnoxious to the people, and they did not wish his presence, he would leave the Territory.

[Voices everywhere, 'He had better go now.']

"He was not aware whether the two Associate Judges were tools operating with him, or whether they knew no better. The success sought in their schemes was the establishment of a military government over the Territory, in the hopes

of goading on the people to open rupture with the general government. Then, they would call out that Utah was disloyal! He was aware that nothing would please such men better than the arrest of all progress Westward; they would, no doubt of it, be delighted to see the stoppage of travel across the plains and all intercourse by mail or telegraph destroyed. Any amount of money had been employed by parties interested in mail transportation and passenger travel to the Pacific, by way of Panama, to destroy the highway across the plains; and there were men among them not above operating to the accomplishment of that end, under the pretence of other purposes.

"He then alluded to the law that was drafted in this city and sent to Washington for adoption by Congress, to take from the people their rights as free American citizens, and portrayed the despotism that would follow placing the power of selecting jurors in the hands of a United States Marshal. Any such power could in the hands of designing men, destroy and subvert every right of free citizens. For that purpose, any class of disreputable men could at any time be imported into the Territory, and with a residence of a few hours be the ready tools for the accomplishment of any purpose. When their rights and the protection of their liberties were taken from them, what remained? [Voices, 'Nothing, nothing.'] Yes, service to tyrants, service to despots!

"He concluded his address by expressing that his feelings were that the nation might be happy and free as it had been, and exhorted the people to be true to themselves, to their country, to their God, and to their friends. Governor Young resumed his seat amidst great applause and cheering.

"Wm. Clayton, Esq., then read the following

"RESOLUTIONS:

"*Resolved*, That we consider the attack made upon us, by his Excellency Governor Harding, wherein our loyalty is impugned, as base, wicked, unjust and false; and he knew it to be so when uttered.

"*Resolved*, That we consider the attempt to possess himself of all military authority and dictation, by appointing all the militia officers, as a stretch at military despotism hitherto unknown in the annals of our Republic.

"*Resolved*, That we consider his attempt to control the selection of juries, as so base, unjust and tyrannical, as to deserve the contempt of all freemen.

"*Resolved*, That we consider the action of Judges Waite and Drake, in assisting the Governor to pervert justice and violate the sacred palladium of the people's rights, as subversive of the principles of justice, degrading to their high calling, and repulsive to the feelings of honest men.

"*Resolved*, That we consider that a serious attack has been made upon the liberties of this people, and that it not only affects us as a Territory, but is a direct assault upon Republican principles, in our own nation, and throughout the world; and that we cannot either tamely submit to be disfranchised ourselves, nor witness, without protest, the assassin's dagger plunged into the very vitals of our national institutions.

"*Resolved*, That while we at all times honor and magnify all wholesome laws of our country, and desire to be subservient to their dictates and the equitable

administration of justice, we will resist, in a proper manner, every attempt upon the liberties guaranteed by our fathers, whether made by insidious foes, or open traitors.

"*Resolved*, That a committee be appointed, by the meeting, to wait upon the Governor and Judges Waite and Drake, to request them to resign their offices and leave the Territory.

"*Resolved*, That John Taylor, Jeter Clinton and Orson Pratt, Senior, be that committee.

"*Resolved*, That we petition the President of the United States to remove Governor Harding and Judges Waite and Drake, and to appoint good men in their stead.

"The Chairman called upon the meeting for an expression of their wishes and the building rang with a glorious 'Aye' for their adoption.

"The following petition was likewise read and committed to the people for their action:

THE PETITION TO PRESIDENT LINCOLN.

"*To his Excellency, Abraham Lincoln, President of the United States:*

"SIR—We, your petitioners, citizens of the Territory of Utah, respectfully represent that:

"*Whereas*, From the most reliable information in our possession, we are satisfied that his Excellency Stephen S. Harding, Governor, Charles B. Waite and Thomas J. Drake, Associate Justices, are strenuously endeavoring to create mischief and stir up strife between the people of the Territory of Utah and the troops now in Camp Douglas (situated within the limits of Great Salt Lake City,) and, of far graver import in our Nation's present difficulties, between the people of the aforesaid Territory and the Government of the United States.

"*Therefore*, We respectfully petition your Excellency to forthwith remove the aforesaid persons from the offices they now hold, and to appoint in their places men who will attend to the duties of their offices, honor their appointments, and regard the rights of all, attending to their own affairs and leaving alone the affairs of others; and in all their conduct demeaning themselves as honorable citizens and officers worthy of commendation by yourself, our Government and all good men; and for the aforesaid removals and appointments your petitioners will most respectfully continue to pray.

"*Great Salt Lake City, Territory of Utah, March 3, 1863.*"

The same unanimous approval followed the reading of the petition. The band then played "The Marsellaise," and the chairman dissolved the meeting. The *News* says—

"By way of conclusion, we must add that we never saw a more earnest, yet calm and deliberate assembly in Utah or elsewhere; the rights of the people were threatened, and they solemnly entered their protest, leaving the results for the future in the hands of an overruling Providence. Before eight o'clock last evening, upwards of 2,100 signatures were affixed to the petition, and, no doubt, there will be a large addition to that number in the course of to-day."

The following is the report of the committee:

"G. S. L. City, March 5, 1863.

"*To the citizens of Great Salt Lake City:*

"Gentlemen:

"Your committee, appointed at the mass meeting held in the Tabernacle on the 3d inst., waited upon his Excellency Governor Harding and their Honors Judges Waite and Drake, on the morning of the 4th.

"Governor Harding received us cordially, but, upon being informed of the purport of our visit, both himself and Judge Drake, who was in the Governor's office, emphatically refused to comply with the wishes of the people, notwithstanding the Governor had repeatedly stated that he would leave whenever he learned that his acts and course were not agreeable to the people.

"Upon being informed that, if he was not satisfied that the action of the mass meeting expressed the feelings of the people, he could have the expression of the whole Territory, he replied, 'I am aware of that, but that would make no difference.'

"Your committee called at the residence of Judge Waite, who, being absent at the time, has since informed us, by letter, that he also refuses to comply with the wishes of the people.

JOHN TAYLOR,
JETER CLINTON,
ORSON PRATT, Sen."

## CHAPTER XXXIV.

A COUNTER PETITION FROM CAMP DOUGLAS TO PREST. LINCOLN. IMPENDING CONFLICT BETWEEN CAMP DOUGLAS AND THE CITY. A SUPPOSED CONSPIRACY TO ARREST BRIGHAM YOUNG AND RUN HIM OFF TO THE STATES. JUDGES WAITE AND DRAKE HOLD UNLAWFUL COURTS IN JUDGE KINNEY'S DISTRICT. THE CHIEF JUSTICE INTERPOSES WITH A WRIT TO ARREST BRIGHAM YOUNG FOR POLYGAMY. IT IS SERVED BY THE U. S. MARSHAL INSTEAD OF A MILITARY POSSE. THE CITY IN ARMS, EXPECTING A DESCENT FROM CAMP DOUGLAS. THE WARNING VOICE OF CALIFORNIA HEARD. BOOMING OF THE GUNS OF CAMP DOUGLAS AT MIDNIGHT. THE CITY AGAIN IN ARMS. FALSE ALARM. CONNOR CREATED BRIGADIER-GENERAL.

A counter petition signed by the officers of Camp Douglas and the non-Mormons of Salt Lake City was sent to President Lincoln urging the retention of Governor Harding, and Judges Drake and Waite.

The issue of affairs had now reached the condition of impending war between the camp and the city, while Chief Justice John F. Kinney occupied a similiar position in the case to that of Governor Cumming, when the conflict was threatened between the city and Camp Floyd. It was the prevailing opinion of the citizens that a descent upon the city by Colonel Connor and his troops to arrest Brigham and his counselors might be expected at any moment. It was also further believed that could this be accomplished, by a dashing "surprise," the intention was to run these Mormon leaders off to the States for trial. General Connor and his officers have indignantly denied any such intentions on the part of Camp Douglas; but, it is certain, that the citizens thus viewed the prospect in those days, which to them signified the prospect of a fierce conflict and the shedding of much blood; for the citizens never would have permitted Brigham Young to have been taken to Camp Douglas, and held under military guard, as the Mayor of Great Salt Lake City was a decade later. No mere historical summary could harmonize the views of the camp and the city; but for an appreciation of the situation and the excited condition of the then public mind, both of California and Utah, we must cull from the chronicles of those times. The first presented is from the *Deseret News* of March 11, 1863:

"We have been aware for a number of days that the issuance of writs against President Yonng was in contemplation. There has been an unusual stir at Camp Douglas, the most ample preparations made for the purpose of making a descent with an armed force upon the President, whenever those writs should be placed in the hands of the marshal. It was vainly and foolishly supposed that he would resist the service of a writ issued under the act referred to. Persons desiring collision were anxious to make the pretext of an armed military force in executing this process, the excuse for gratifying their wicked purposes. But in this they have been disappointed. As a people we believe in, and have ever taught obedience and submission to the laws of the land. No one has more earnestly taught this than the President of this church. It is well known that in his private and public teachings he has taken the position of obedience to any legal writ emanating from proper authority, whether against him or any of the people under *this* or any *other* law.

"On the 10th inst., an affidavit was made before His Honor Chief Justice J. F. Kinney, charging Brigham Young with having violated the act of Congress, by taking another wife. Judge Kinney promptly issued a writ for his arrest and placed it in the hands of Mr. Gibbs, United States marshal. The marshal adopted the very prudent course of serving the writ himself, without calling a 'posse,' and accordingly waited upon the President, only fortified by the process and with such civil authority as the law invested him.

"An immediate response was made to the writ, by the prompt appearance of the defendant before Judge Kinney at the State House, accompanied by two or three of his immediate friends. An investigation was made of the facts charged in the affidavit, by the introduction of evidence, resulting in the Judge holding the defendant to bail in the sum of two thousand dollars, for his appearance at the next term of the United States Court for the Third Judicial District.

"The sureties were required to justify under oath, when it appeared that they were worth some twenty thousand dollars.

"We have no fault to find with Judge Kinney for issuing the process, or his determination upon the testimony. As the judge of this district, he can make no distinction, and it is his duty to magnify all constitutional law, as we trust it will ever be the pleasure of the people to submit to and obey the authority with which such law invests him."

Of simultaneous date the California press on Utah affairs gives the following pungent views:

[From the *Daily Alta California*, March 11.]

"We have some strange news to-day from Salt Lake, *via* New York. It is to the effect that there is danger of a collision between the Mormons and our troops there. The despatch goes so far as to state that Governor Harding and Associate Justices Waite and Drake have called upon Col. Connor to arrest Brigham Young and some of the Mormon leaders. It is strange that we have heard nothing on this side of these important events, and that the first intimation we should have of what is going on should reach us *via* New York. We had, to be sure, a report, recently of some angry meetings which had taken place there, but we had no idea that anything serious was going on.

"To get at the facts of the case we telegraphed to Salt Lake last night. The telegram which we received does not clear up matters fully. Our correspondent speaks of an anti-bigamy law as the cause of the trouble. We do not know of any except the one providing for the admission of Utah as a State, provided polygamy was abolished. The whole affair therefore is still enveloped in some confusion. There is one thing, however, that we do know; Colonel P. Edward Connor and his regiment were sent across the mountains to protect the telegraph and the overland mail, and to fight the Indians, and not to kick up trouble with the Mormons or any other class of persons The Government has enough of fighting now on its hands and there is no necessity for increasing it. Perhaps an expenditure of a few more millions of dollars in a Utah war is deemed necessary to promote the happiness of somebody behind the scenes."

[From Sacramento *Daily Union*, March 12.]

"It seems that matters at Salt Lake are in an unsettled and uncertain state. Some difficulty has grown up between the Governor, the United States Judges, and the head of the Mormon Church, which may—though we hope not—terminate in a collision. We never deemed it particularly an act of wisdom to order a single regiment to Salt Lake. It was not needed there for protection, and in the event of a collision was to weak too be of any particular use. We fear, too, that the Governor has been imprudent. The Mormons should, of course, submit to the laws, but laws ought not be forced upon them which are repugnant to a very large majority of that singular people. A conflict at this time would prove a great misfortune to California. It would also prove fatal to the Mormons, and hence we reason that they will avoid any hostile demonstrations except in self-

defense. The pretty-much let-alone policy is the one which should be adopted toward the Mormons."

[From the *Daily Alta California*, March 14.]

"In our columns to-day will be found an interesting letter from Salt Lake. It gives an account of the commencement of the troubles there. Our next will, in all probability, bring down the narrative to the late proceedings. Mr. Lincoln, it must be admitted, has been very unfortunate in the selection of office-holders. If his intention in sending Harding to rule over the Mormons was to kick up a row there, he has succeeded. The policy of such a proceeding, just at this juncture, however, may very well be doubted. We have enough of fighting on hand at present."

It will be observed, from the above editorial passages, that the two great journals of San Francisco and Sacramento, speaking for California, manifested a decided agreement with the judgment of California's senators, as stated by Senator McDougal in his speech opposing the passage of the anti-polygamic bill and emphasized by the votes of himself and colleague, Senator Latham. Neither of these statesmen favored polygamy, much less did they intend to imply by their solitary "nays" against both Houses of Congress that Utah could continue the practice of polygamy with the consent of California. Senator McDougal's words very sagely but simply expounded the case and the situation.

Only a few months had elapsed since the passage of the anti-polygamy bill of '62 and California and Utah were now nearly brought into a conflict over an improper attempt at its execution, for it is apparent that had a conflict ensued between the Utah militia and the California Volunteers, these "sister States of the Pacific" must themselves have been brought into the conflict. The warning passage from the Sacramento *Daily Union* was very pointed: "A conflict at this time would prove a great misfortune to California. It would also prove fatal to the Mormons." This with the stinging passage from the Daily *Alta* doubtless had the desired effect, both upon the Volunteers and the people of Great Salt Lake City. Colonel Connor and his officers could not with indifference read California's reminder to them that they were sent across the mountains to protect the overland mail and to fight the Indians "and not to kick up trouble with the Mormons."

But in the foregoing excerpts from the *Deseret News* and the California press there are merely a few points of detail of the stirring events which came nigh to the very pitch of battle.

It must be told for a comprehension of the alarm of those times that not only had Governor Harding vetoed nearly every act passed by the Legislature of that year, as he soon afterwards overrode nearly all the judicial decisions of the Chief Justice by wholesale pardons, which whether deserved or not leaves the sequence of events the same, but Judges Waite and Drake were also setting aside the Chief Justice in his own district, where they presumed unlawfully to hold courts, and that, too, while he was holding his regular term with a grand jury at business daily bringing in their indictments. The *Deseret News* commenting upon "Judge Waite and his judicial presumption" said:

"We are not a little astonished at His Honor Judge Waite assuming the pre-

rogative of holding court in the third district, when the Legislature had assigned him to the second.

"We confess we were prepared to witness almost anything from the disaffected Judge, but hardly ready to behold so strange a spectacle as a Judge assuming judicial authority in defiance of law.

"The ninth section of the Organic Law provides as follows:

"'The Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such time and place as shall be prescribed by law, *and the judges shall, after their appointment, respectively reside in the districts which shall be assigned them.*'

"This is a plain, unequivocal provision and should be complied with by those whose duty it is to administer the law. Two months have elapsed since the Legislature assigned Judge Waite to the second district, and yet, in place of submitting to and obeying the law, which His Honor has sworn to support, we find him still in this city issuing writs and holding an examining court.

"Aside from the illegality of the proceeding, common courtesy, it seems to us, if His Honor had no regard for the law, should have operated to deter the Judge from assuming judicial power in Judge Kinney's district."

There had been no alarm in the city over a proper warrant of arrest of Brigham Young, to test in his person the constitutionality of the anti-polygamy bill of 1862, or its operative powers, which latter it may be said was at that time as nothing with a polygamic grand jury, who believed that bill to be unconstitutional and that it would be so decided when it came before the Supreme Court of the United States. The alarm was at the prospect of the issuance of a writ for the arrest of President Young through the same associate Justice Waite who, it was believed, for this and similar purposes was with Associate Justice Drake administering in the district of the Chief Justice. It was with this view that the *Deseret News* noted: "We have been aware for a number of days that the issuance of writs against President Young was in contemplation;" and further, "there has been an unusual stir at Camp Douglas, the most ample preparations made for the purpose of making a descent with an armed force upon the President whenever those writs should be placed in the hands of the marshal." In fine, the writ which was issued by Chief Justice Kinney, upon an affidavit made by one of the citizens, charging Brigham Young with violating the act of Congress prohibiting polygamy, was designed to prevent the arrest of Brigham Young by those other improper writs in contemplation to be executed by military force. The further note on the execution is like a volume of history of the case: "Judge Kinney promptly issued a writ for his arrest and placed it in the hands of Mr. Gibbs, United States marshal. The marshal adopted the very prudent course of serving the writ himself, without calling for a posse, and accordingly waited upon the President, only fortified by the process and with such civil authority as the law invested him." Thus was a very different result obtained from that of the arrest of Brigham Young by the "descent of an armed force," as a "posse" to execute a writ issued by Judge Waite to bring the prisoner before his court, to be held at

Camp Douglas or wherever it might have pleased him and his Associate Judge Drake and Governor Harding. Here may be told a part of the story of those times by Mr. Stenhouse, from his *Rocky Mountain Saints*, though in some respects it is different from his "interesting letters," published in the San Francisco *Alta*, the Sacramento *Union*, and in the New York *Herald*, which gave the current views of Utah affairs to the American public, east and west:

"Colonel Connor had visited Judge Waite, and, on leaving his house, one of the elders, who was loitering about, believed that he overheard the colonel say: 'These three men must be surprised.' That was sufficient. Instantly the eavesdropper flew to Brigham. The Prophet believed the story, hoisted a signal to rally the militia, and in half an hour a thousand armed men surrounded his premises, and within an hour another thousand were armed and on duty. The city was in commotion, and rifles, lead, and powder, were brought out of their hiding places. On the inside of the high walls surrounding Brigham's premises, scaffolding was hastily erected in order to enable the militia to fire down upon passing Volunteers. The houses on the route which occupied a commanding position where an attack could be made upon the troops were taken possession of, the small cannon were brought out and the brethren prepared to protect the Prophet.

"There was no truth in the rumor of an intended arrest of Brigham and his counsellors. The Mormon leaders, all the same, believed it to be true, and they were cautious and watchful. A powerful telescope was placed on the top of Brigham's 'BeeHive' residence, and every move of the Volunteers in Camp Douglas was watched with great care. Night and day, for several weeks, there was a body of armed men around the Prophet, and signals agreed upon, by which the whole people could be rallied by night or by day.

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"The Volunteers were not numerous enough to 'overawe' the Mormons, and their presence was on that account, all the more irksome. To know that they 'could use them up any morning before breakfast,' and yet be forced to tolerate their presence on the brow of a hill, like a watch-tower, was irritating to the Prophet's mind. The Tabernacle resounded with fierce denunciations every Sunday. Mischief-makers poured into the ears of the Prophet every story that could increase his prejudice against Colonel Connor; and the latter heard quite as much to incense him against Brigham. A collision for a long time seemed inevitable.

"Providing for the possibility of a rupture at any moment, it was agreed that, if the struggle came by night, the citizens were to be summoned to arms by firing cannon from the hill-side, at the east of Brigham's residence; and, if the difficulty began during the day, the flag was to be hoisted over his Bee-Hive residence. To the latter signal the citizens had once responded; and it was believed that their readiness to fight for the Prophet had intimidated the commander of the Volunteers, so that he would be unlikely to make an attack by day. At that time, it was believed that Colonel Connor, having been foiled in this first attempt, entertained the idea of making a dash upon the Prophet's bed-room 'in the dead

of night,' seizing him, and running him off to the States before the Mormons could learn of his situation, and render him any assistance.

"General Connor never had orders to arrest Brigham Young, or he would have done so—or tried. At the time of the conversation with Judge Waite, already referred to, which created the panic and the assembling of the Mormons in arms, the Prophet was not the subject of consideration. One of the brethren had married the three widows of a wealthy merchant within sight of Judge Waite's residence, and as that was an excellent case in which to try the application of the Anti-Polygamic Law, the General replied to the Judge that he would arrest him if the court furnished the order. The anticipation that difficulty would arise, from Judge Waite acting within Judge Kinney's judicial district while the latter was present, was the only thing that prevented the arrest.

"On the night of the 29th of March, the citizens were aroused by the booming of cannon. As hastily as garments could be thrown on, and arms could be seized, the brethren were seen hurrying from their homes towards the Prophet's residence. The struggle was apparently at hand. The signal cannon had been distinctly heard, and, as there was a gentle current of air from the east, those who lived west of the Prophet could hear the very music to which the Volunteers were supposed to be marching into the heart of the city!

"For his great victory over Bear Hunter and other Indian chiefs, in a desperate battle in the depth of winter, two months before, Colonel Connor had now been promoted to the rank of Brigadier-General, and the news had only just reached Camp Douglas! The military band had been called out to serenade the promoted commander, and the cannon was roaring over the mountains in honor of the victor!

"Fortunately for those concerned, Elder A. O. Smoot, and not some mad fanatic, was mayor of the city of the Saints in those troublesome times."

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## CHAPTER XXXV.

TRIAL OF THE MORRISITES. SENTENCE OF THE PRISONERS. THEY ARE IMMEDIATELY PARDONED BY GOVERNOR HARDING. COPIES OF THE EXTRAORDINARY PARDONS. THE GRAND JURY DECLARES THE LAW OUTRAGED AND PRESENTS GOVERNOR HARDING IN THE THIRD U. S. DISTRICT COURT FOR JUDICIAL CENSURE. THEIR HISTORY OF THE MORRISITE DISTURBANCE. THE COURT SUSTAINS THE CENSURE.

At the March term of the Third U. S. District Court the famous Morrisite trial took place with Chief Justice John F. Kinney presiding. Ten of the prisoners were indicted for killing two of the U. S. *posse* sent to enforce the law which the Morrisite community openly defied; seven of these were convicted, one

"nolled," and two were acquitted. Sixty-six others were fined one hundred dollars each for resisting the *posse*. Of the seven convicted of "murder in the second degree" one was sentenced to fifteen years' imprisonment, one to twelve years, and five to ten years each. Immediately after the passing of the sentence the following pardons were granted by Governor Harding, embracing the whole of the Morrisite prisoners.

"UTAH TERRITORY,
EXECUTIVE DEPARTMENT.

*To all to whom these presents shall come greeting:*

"Whereas, at the March term of the District Court for the Third Judicial District in said Territory, A. D. 1863. The Honorable John F. Kinney presiding. Peter Klemgard, Christen Nielsen, Gens Christensen, Kadrup Nielsen, Abraham Taylor, Andrew Lee, and Andrew M. Mason were convicted of murder in the second degree, and sentenced each for a term of years, at hard labor in the Penitentiary.

"Now, know ye, that I, Stephen S. Harding, Governor of the Territory of Utah, divers good causes me thereto moving, by virtue of the power in me vested, have given and granted, and by these presents do give and grant unto the said Peter Klemgard, Christen Nielsen, Gens Christensen, Kadrup Nielsen, Abraham Taylor, Andrew Lee, and Andrew M. Mason, and to each of them, full and perfect pardon for the offense aforesaid, of which they stand convicted, and they are, and each of them is, hereby forever exonerated, discharged, and absolved from the punishment imposed upon them or either of them, in pursuance of said conviction.

"In testimony whereof I have hereunto set my hand, and caused the [L.S.] Great Seal of the Territory of Utah to be affixed at Great Salt Lake City this 31st day of March, A. D. 1863.

STE. S. HARDING.
*Gov. of Utah Territory.*

"By the Governor:
FRANK FULLER, *Secretary.*"

"UTAH TERRITORY,
EXECUTIVE DEPARTMENT.

"*To all to whom these presents shall come greeting:*

"Whereas, at the March term of the District Court for the Third Judicial District in said Territory, A. D. 1863. The Honorable John F. Kinney presiding. Richard Cook, John Parson, Edward Moss, Daniel Smith, John B. Ledgeway, John O. Mather, James Mather, Richard D. Aloey, Alexander Warrender, William McGhie, Elijah L. Chappel, John E. Jones, John Cook, David Thomas, Peter John Moss, Joseph Taylor, Mathew Mudd, James Bowman, Robert E. Farley, William W. Thomas, Alexander Dow, John Keehorn, John C. Edwards, John Gray, Joseph Dove, Thomas L. Williams, William Davis, Alonzo Brown, Edward Lloyd, Samuel Halse, Elijah Clitford, George Thompson, Goodman Goodmunsen, Charles Higham, John E. Reese, Soren Peter Gould, Jorjen Jensen, Soren Willissen, Lars Christen Hanson, Andres Jensen, Swen Hagg, Soren Peter Rasmussen,

Hans Peterson, Peter Peterson, John Peter Sorensen, Neils Larsen, Neils Andersen, Michael Christen Christiansen, Gens Paulsen, Neils Peterson, Lars Christen Larsen, Hans Aggerson, John G. Looselary, Lebrecht Barr, John Neilsen, Nels Rasmussen Beck, Christen Jensen, Peter Swenson, Neils Magnus Jorensen, Rasmus Rasmussen, James Peterson, Lars Olsen, Gens Christian Senensen, Hans Peter Smith, Andres Anderson, Andres Christopherson, Hans Hanson, Ole Rosenblade, and Peter Sorenson were convicted of the charge of resisting an officer in the service of process, and sentenced each to pay a fine of one hundred dollars.

"Now know ye, that I, Stephen S. Harding, Governor of the Territory of Utah, divers good causes me thereto moving, by virtue of the power and authority in me vested have given and granted, and by these presents do give and grant unto the said Richard Cook, etc., etc., (all of the aforementioned,) and to each of them full and perfect pardon for the offence of which they stand convicted, and they are, and each one of them is, hereby forever exonerated, discharged and absolved from the fine, costs and charges imposed upon them, or either of them, in pursuance of said conviction.

"In testimony whereof I have hereunto set my hand, and caused the [L.S.] Great Seal of the Territory of Utah to be affixed at Great Salt Lake City this 31st day of March, A. D. 1863.

STE. S. HARDING,
*Gov. Utah Territory.*

"By the Governor:
FRANK FULLER, *Secretary.*"

Of the relative merit or demerit of the action of the United States and Territorial authorities concerned in the Morrisite affair the historian does not presume to touch, further than to present the record itself and its significance. The Chief Justice and the Grand Jury considered the law outraged, as set forth in the following presentment of Governor Harding for judicial censure and the very plain passage of censure by the Chief Justice in court:

"We trust the court will pardon the Grand Jury for briefly referring to the facts connected with the arrest and trial of the men the Governor has seen proper, in such hot haste, to pardon and turn loose upon the community.

"They are as follows: On the 22d day of May, A. D. 1862, a petition was filed before Hon. John F. Kinney, the Judge of the Third Judicial District, for a writ of *habeas corpus*, alleging that three men were unlawfully imprisoned at South Weber, in Davis County, and kept in close confinement, heavily ironed, without any process or authority of law. It may be well to state that, at the place mentioned in the petition, a body of some two hundred men with their families had congregated in what is known as Kington Fort, and for more than a year had remained without cultivating the soil or following any industrial pursuit. What little property they had was owned in common, and this from time to time was disposed of to procure the bare necessaries of life.

"At this place and by these men were the prisoners confined (mentioned in the petition for the writ of *habeas corpus*). The writ was issued and served upon those who had the prisoners in custody, on the 24th day of May. No atten-

tion was paid to it by defendants. The authority of the court was openly contemned and placed at defiance. Judge Kinney, after waiting for the defendants to produce the prisoners from the 24th day of May till the 11th day of June (some eighteen days) issued, upon another affidavit, a writ for false imprisonment, another writ of *habeas corpus*, and a writ for contempt for disobedience to the first writ. These writs were placed in the hands of the Territorial marshal, who, being well advised that armed resistance would be made to the service of any process in said fort, called upon Acting-Governor Fuller, who furnished the officer with a military posse to enable him to execute the mandates of the court. On the morning of the 13th day of June, the marshal with his posse arrived near the fort and sent the following proclamation under a flag, which was received and read by Banks and others, the parties named in said writs, and to whom said proclamation was directed:

"'HEADQUARTERS MARSHAL'S POSSE,
WEBER RIVER, June 13, 1862.

"'*To Joseph Morris, John Banks, Richard Cook, John Parsons and Peter Klemgard:*

"'Whereas, you have heretofore disregarded and defied the judicial officers and the laws of the Territory of Utah; and whereas, certain writs have been issued for you from the Third Judicial District Court of said Territory, and a sufficient force furnished by the Executive of the same to enforce the law: This is therefore to notify you to peaceably and quietly surrender yourselves and the prisoners in your custody forthwith.

"'An answer is required in thirty minutes after the receipt of this document; if not, forcible measures will be taken for your arrest.

"'Should you disregard this proposition and place your lives in jeopardy, you are hereby required to remove your women and children; and all persons peaceably disposed are hereby notified to forthwith leave your encampment, and are informed by this proclamation that they can find protection with this posse.

H. W. LAWRENCE,
*Territorial Marshal.*

"'Per R. T. BURTON and THEODORE MCKEAN, *Deputies.*'"

"This was unheeded and disregarded. Additional time was given after the expiration of the thirty minutes for the delivery of the persons called for by the writ; still no attention was paid to the demands of the officer. At length fire was opened and for three days, almost continuously, did the belligerents within the fort keep up a fire on the marshal and his posse, killing on the first day a man by the name of Jared Smith, and on the third day another man attached to the marshal's posse. On the evening of the 15th the rebellion was subdued by the surrender of the men, and one hundred stand of arms. Parties on both sides had been killed in consequence of the defiant position taken against the enforcement of the law, and in defending the position thus unlawfully assumed by more than one hundred well armed men.

"The disloyal men thus found in arms, fighting against the service of process, were taken prisoners, taken before Judge Kinney, in chambers, who admitted

all but two to bail for their appearance at the next March term of the court—said two being committed to await their trial for murder. At the recent sitting of the Territorial Court, Judge Kinney presiding, some ninety or more were indicted under the statute for resisting an officer, and ten of the principle men for the murder of Jared Smith, who was shot dead on the first day of the resistance. Sixty-six appeared and were tried for resisting the officer, the others having left the country. After a long, patient and entirely satisfactory trial to the defendants, the jury assessed a fine of one hundred dollars against each of them—the lowest sum allowed by the statute and when the law authorized them to fine not exceeding one thousand dollars and imprisonment not exceeding one year. The least punishment allowed by the statute was meted out to the prisoners, and that, too, when the testimony of their guilt was overwhelming. Of the ten indicted for murder, one was *nolled*, two acquitted and seven convicted of murder in the second degree. The punishment for murder in the second degree is imprisonment not less than ten years and may be during natural life; still the jury actuated by feelings of humanity and mercy, affixed the punishment of five of the prisoners to imprisonment for the period of ten years each, one for twelve and one for fifteen years.

* * * * * * * * *

"But, the Governor, clothed with the *pardoning power*, interposes to prevent the punishment due to rebels against the law. He sanctions and sustains their rebellion and, by pardoning them, proclaims to the world that they have acted rightly, wisely and lawfully. No time is allowed for investigation, none for repentance or reformation; but in less than three days from the time of the sentence of the court, are all of them pardoned by the Executive, to renew their armed resistance against the power of the Government—a pardon which not only seeks to release them from fine and punishment, but the costs due to the officers and witnesses. * * * * * * * *

"*Therefore, we the United States Grand Jury for the Third Judicial District for the Territory of Utah*, present his '*Excellency' Stephen S. Harding, Governor of Utah*, as we would an unsafe bridge over a dangerous stream—jeopardizing the lives of all who pass over it, or, as we would a pestiferous cesspool in our district, breeding disease and death.

"Believing him to be an officer dangerous to the peace and prosperity of this Territory; refusing, as he has, his assent to wholesome and needed legislation; treating nearly all the Legislative acts with contumely; and last of all, as the crowning triumph of his inglorious career, turning loose upon the community a large number of convicted criminals.

"We cannot do less than present his Excellency as not only a dangerous man, but also as one unworthy the confidence and respect of a free and enlightened people.

"All of which is respectfully submitted.

"George A. Smith, Franklin D. Richards, Elias Smith, William S. Muir, Samuel F. Atwood, Philip Margetts, John Rowberry, Claudius V. Spencer, Chas. J. Thomas, John W. Myers, Alfred Cordon, George W. Ward, Horace Gibbs, Lewis A. West, Leonard G. Rice, Isaac Brockbank, George W. Bryan, James Bond, John B. Kelley, Gustavus Williams, Wells Smith, John D. T. McAllister, Andrew Cunningham.

His Honor directed, that in accordance with the request, they be spread upon the records of the court.

The foreman of the Grand Jury then stated that they had concluded their labors, and had no further business before them, whereupon the Judge addressed them as follows:

"*Gentlemen of the Grand Jury:*

"The paper just read by the clerk, is one of great responsibilty, presenting the Governor of this Territory as unworthy the confidence and respect of the people.

"I trust you have fully considered the importance of the step which you as a Grand Jury have felt called upon, under the oaths of your office, to take.

"I am well persuaded that in no spirit of malice or undue prejudice have you been induced to call the attention of the Court and people to what you regard as the official misconduct of the Executive, but only as the deliberate result of your investigations for the public good.

"I am perfectly familiar with the facts referred to by you in relation to the armed resistance to the law in the service of process. Upon affidavit made before me were the writs issued, the service of which was attempted to be resisted by an armed rebellion.

"The trial of men thus found in arms very recently took place in the Court over which I have the honor to preside, and the trial, as you state, was conducted with deliberation, and the verdict of the jury in each of the cases for resisting the officer and for murder were such as met with the approval of the court.

"The law and its authority were fully vindicated by the verdicts, but, as you state, the Governor has granted an unconditional pardon.

"What effect this may have upon the minds of evil disposed persons I know not, but leave the responsibility where it belongs, with the Governor, who, in the exercise of a naked power, has seen proper to grant executive clemency.

"You have now, as you state, concluded your labors and before discharging you I desire to tender to you the commendations of the Court for your attention and diligence in the discharge of your duties.

"Your labors have resulted in the presentation of a number of indictments for crime—some of the prisoners charged by you having been tried and convicted, and others are awaiting their trial.

"It is only by a grand jury discharging their duty faithfully and fearlessly that crime can be suppressed, and offenders punished, for all persons must pass the ordeal of your body, before they can be introduced by the Government into this Court for trial and punishment.

"It is possible, and highly probable, that this is the last court over which I shall have the honor to preside in your Territory. Such are the indications. I have been the Chief Justice of the Supreme Court of Utah, and Judge of this district most of the time since 1854—having come among you a stranger, but I was treated with kindness, and my authority with consideration and respect.

"Appointed by Mr. Pierce in 1853, and reappointed in 1860 by Mr. Buchanan, and continued in office by Mr. Lincoln, and having held many courts,

tried many cases, both civil and criminal, of an important character, I am happy in being able to state that I have found no difficulty in Utah in administering the law, except where its administration has been thwarted by Executive interference.

"Let honesty, impartiality and ability be the characteristic qualifications of the Judge, and a fearless discharge of duty, and he will be as much respected in this Territory, and his decisions as much honored, as in any State or Territory of the Union. And to use an odious distinction, attempted to be made between 'Mormon' and 'Gentile,' I am also happy in being able to state, that while these parties, differing so widely as they do in their religious faith, have been suitors in my court, the so-called Gentile, has obtained justice from the verdict of a so-called 'Mormon' jury.

"I repeat gentlemen, that the law is, and can be maintained in this Territory, and that there is more vigilance here in arresting and bringing criminals to trial and punishment than in any country where I have ever resided.

"In the discharge of my judicial duties, I have endeavered to be actuated by a sense of the responsibility of my position; ever keeping constantly in mind that I was among a civilized and enlightened people, who were entitled to the same consideration from the court, as the people of any other Territory; and that the court here, as well as elsewhere, should be free from bias and prejudice.

"Gentlemen, accept my thanks for your co-operation, in support of my efforts to maintain and enforce the law.

"To the Petit Jurors I will say, that I have been well sustained by them in the trial of causes, and can only hope that when I retire from the bench my successor will be an able, honest judge, and have no more difficulty in discharging his duties than I have had.

"With these remarks, gentlemen, I dismiss you from further attendance upon the court."

Mr. Ferguson moved that as the Grand Jury were discharged without finding an indictment against Brigham Young, that he be discharged from his recognizance.

## CHAPTER XXXVI.

REMOVAL OF GOVERNOR HARDING, SECRETARY FULLER, AND CHIEF JUSTICE KINNEY. LINCOLN'S POLICY TO "LET THE MORMONS ALONE." STARTING OF THE *UNION VEDETTE*. OPENING OF THE UTAH MINES. MILITARY DOCUMENTS. CREATION OF A PROVOST MARSHAL OF GREAT SALT LAKE CITY.

The counter petitions to the President of the United States from the city and camp, one for the removal and the other for the retention of Governor Harding, were responded to by concessions to both parties. Governor Harding, Secretary Fuller and Chief Justice Kinney were removed; James Duane Doty was appointed Governor; Amos Reed, Secretary; and John Titus of Pennsylvania, Chief Justice.

The official decapitation of the Governor was clearly in answer to the petition of the citizens, while the removal of Chief Justice Kinney and Secretary Fuller was in consideration of the charge made against them—that they had been "subservient to the will of Brigham Young." The Chief Justice had for months felt that in maintaining the integrity of the judicial department he was placing himself upon the altar of sacrifice, as shown in his parting words to the grand jury; but his official relations with Utah were not permitted to end with his removal, for at the next election, in August, 1863, he was sent to Congress as Delegate from Utah.

The following noteworthy passage of a letter from President Brigham Young to Elder George Q. Cannon, then in England, expresses the policy of the Government towards Utah during the remainder of President Lincoln's life:

"GREAT SALT LAKE CITY, U. T., June 25, 1863.

"*President Cannon:*

"DEAR BROTHER— * * * Since Harding's departure on the 11th inst., without the least demonstration from any party, and only one individual to bid him good-bye, the transient persons here continue very quiet, and apparently without hope of being able to create any disturbance during the present Administration. They certainly will be unable to, if President Lincoln stands by his statement made to Brother Stenhouse on the 6th inst., viz: 'I will let them alone if they will let me alone.' We have ever been anxious to let them alone further than preaching to them the gospel and doing them good when they would permit us, and if they will cease interfering with us unjustly and unlawfully, as the President has promised, why of course they will have no pretext nor chance for collision during his rule. * * *

"Your brother in the gospel,

BRIGHAM YOUNG."

On the 20th of November, 1863, the first number appeared of *The Union*

*Vedette*, published, as announced, "by officers and enlisted men of the California and Nevada Territory Volunteers."

The initial number of the *Vedette* contains the following circular letter from General Connor, relative to mines and mining interests in this Territory:

"HEADQUARTERS, DISTRICT OF UTAH,
GREAT SALT LAKE CITY, U. T. November 14, 1863.

"COLONEL:

"The general commanding the district has the strongest evidence that the mountains and canyons in the Territory of Utah abound in rich veins of gold, silver, copper and other minerals, and for the purpose of opening up the country to a new, hardy, and industrious population, deems it important that prospecting for minerals should not only be untrammelled and unrestricted, but fostered by every proper means. In order that such discoveries may be early and reliably made, the general announces that miners and prospecting parties will receive the fullest protection from the military forces in this district, in the pursuit of their avocations; provided, always, that private rights are not infringed upon. The mountains and their now hidden mineral wealth, are the sole property of the nation, whose beneficent policy has ever been to extend the broadest privileges to her citizens, and, with open hand, invite all to seek, prospect and possess the wonderful riches of her wide-spread domain.

"To the end that this policy may be be fully carried out in Utah, the General commanding assures the industrious and enterprising who may come hither, of efficient protection, accorded as it is by the laws and policy of the nation, and enforced, when necessary, by the military arm of the Government.

"The General in thus setting forth the spirit of our free institutions for the information of commanders of posts within the district, also directs that every proper facility be extended to miners and others in developing the country; and that soldiers of the several posts be allowed to prospect for mines, when such course shall not interfere with the due and proper performance of their military duties.

"Commanders of posts, companies and detachments within the district are enjoined to execute to the fullest extent the spirit and letter of this circular communication, and report, from time to time, to these head-quarters the progress made in the development of the Territory, in the vicinity of their respective posts or stations.

"By command of Brig.-Gen. Connor:

CHAS. H. HEMPSTEAD,
*Capt. C. S. and A. A. A. Gen'l.*"

In March, 1864, another circular was issued by General Connor which was considered to be very pronounced and threatening towards the leaders of the Mormon community:

"HEADQUARTERS, DISTRICT OF UTAH,
CAMP DOUGLAS, U. T., March 1st, 1864.

"CIRCULAR:

"The undersigned has received numerous letters of complaint and inquiry

from parties within and without the district, the former alleging that certain residents of Utah Territory indulge in threats and menaces against miners and others desirous of prospecting for precious metals, and the latter asking what, if any, protection will be accorded to those coming hither to develop the mineral resources of the country.

"Without giving undue importance to the thoughtless or reckless words of misguided, prejudiced, or bad-hearted men who may be guilty of such threats as those referred to, and indulging the hope that they are but individual expressions rather than menaces, issued by any presumed or presumptuous authority whatsoever, the undersigned takes occasion to repeat what no loyal citizen will gainsay, that this Territory is the public property of the nation, whose wish it is, that it be developed at the earliest possible day, in all its rich resources, mineral as well as agricultural, pastoral and mechanical. To this end, citizens of the United States, and all desirous of becoming such, are freely invited by public law and national policy, to come hither to enrich themselves and advance the general welfare from out the public store, which a bountiful Providence has scattered through these richly laden mountains and fertile plains. The mines are thrown open to the hardy and industrious, and it is announced, that they will receive the amplest protection in life, property and rights, againse aggression from whatsoever source, Indian or white.

"The undersigned has abundant reason to know that the mountains of Utah north, south, east and west, are prolific of mineral wealth. Gold, silver, iron, copper, lead and coal, are found in almost every direction, in quantities which promise the richest results to the adventurous explorer and the industrious miner.

"In giving assurance of entire protection to all who may come hither to prospect for mines, the undersigned wishes at this time most earnestly, and yet firmly, to warn all, whether permanent residents or not of this Territory, that should violence be offered, or attempted to be offered to miners, in the pursuit of their lawful occupation, the offender or offenders, one or many, will be tried as public enemies, and punished to the utmost extent of martial law.

"The undersigned does not wish to indulge in useless threats, but desires most fully and explicitly to apprise all of their rights, and warn misguided men of the inevitable result, should they seek to obstruct citizens in their rights, or throw obstacles in the way of the development of the public domain. While miners will be thus protected, they must understand, that no interference with the vested rights of the people of the Territory will be tolerated, and they are expected to conform in all things to the laws of the land which recognize in their fullest extent the claims of the *bona fide* settler on public lands.

"While the troops have been sent to this district to protect from a savage foe the homes and premises of the settlers, and the public interests of the nation, they are also here to preserve the public peace, secure to all the inestimable blessings of liberty, and preserve intact, the honor, dignity and rights of the citizen, vested by a free Constitution, and which belong to the humblest equally with the highest in the land. This, their mission, it is the duty of the undersigned to see fulfilled by kindly and warning words, if possible, but if not, still to be enforced

at every hazard and at any cost. He cannot permit the public peace and the welfare of all to be jeoparded by the foolish threats or wicked actions of a few.

P. EWD. CONNOR,
*Brig. Gen., U. S. Vol., Comd'g Dist.*"

In June a special order was issued creating a

PROVOST MARSHAL OF GREAT SALT LAKE CITY.

"HEADQUARTERS DISTRICT OF UTAH,
CAMP DOUGLAS, UTAH TERRITORY,
Near Great Salt Lake City, July 9th, 1864.

"SPECIAL ORDER NO. 53.

"1st. Capt. Chas. H. Hempstead, Commissary of Subsistence, U. S. Vol's, is hereby appointed Provost Marshal of Great Salt Lake City, U. T., and will immediately enter upon the duties of his office. He will be obeyed and respected accordingly.

"2d. Company L, 2d Cav. C. V., Capt. Albert Brown, is hereby detailed as Provost Guard, and will immediately report to Capt. Chas. H. Hempstead, Provost Marshal, Great Salt Lake City, for duty.

"3d. The Quartermaster's Department will furnish the necessary quarters, offices, etc.

"By command of
BRIG.-GEN. CONNOR.

"CHAS. H. HEMPSTEAD,
*Capt. C. S. U. S. Vol's, and A. A. A. Gen'l.*"

This series of circulars was climaxed by the following letter to the War Department (a copy of which has been furnished to the author by the General himself), setting forth his views and policy concerning Utah.

HEADQUARTERS DISTRICT OF UTAH,
CAMP DOUGLAS, UTAH TERRITORY,
Near Great Salt Lake City, July 21st, 1864.

"COLONEL:

"Having had occasion recently to communicate with you by telegraph on the subject of the difficulties which have considerably excited the Mormon community for the past ten days, it is perhaps proper that I should report more fully by letter relative to the real causes which have rendered collision possible.

"As set forth in former communications, my policy in this Territory has been to invite hither a large Gentile and loyal population, sufficient by peaceful means and through the ballot-box to overwhelm the Mormons by mere force of numbers, and thus wrest from the Church—disloyal and traitorous to the core—the absolute and tyrannical control of temporal and civil affairs, or at least a population numerous enough to put a check on the Mormon authorities, and give countenance to those who are striving to loosen the bonds with which they have been so long oppressed. With this view, I have bent every energy and means of which I was possessed, both personal and official, towards the discovery and development of

the mining resources of the Territory, using without stint the soldiers of my command, whenever and wherever it could be done without detriment to the public service. These exertions have, in a remarkably short period, been productive of the happiest results and more than commensurate with my anticipations. Mines of undoubted richness have been discovered, their fame is spreading east and west, voyageurs for other mining countries have been induced by the discoveries already made to tarry here, and the number of miners of the Territory steadily and rapidly increasing. With them, and to supply their wants, merchants and traders are flocking into Great Salt Lake City, which by its activity, increased number of Gentile stores and workshops, and the appearance of its thronged and busy streets, presents a most remarkable contrast to the Salt Lake of one year ago. Despite the counsel, threats, and obstacles of the Church, the movement is going on with giant strides.

"This policy on my part, if not at first understood, is now fully appreciated in its startling effect, by Brigham Young and his coterie. His every efforts, covert and open, having proved unequal to the task of checking the transformation so rapidly going on in what he regards as his own exclusive domain, he and his Apostles have grown desperate. No stone is left unturned by them to rouse the people to resistance against the policy, even if it should provoke hostility against a government he hates and daily reviles. It is unquestionably his desire to provoke me into some act savoring of persecution, or by the dextrous use of which he can induce his deluded followers into an outbreak, which would deter miners and others coming to the Territory. Hence he and his chief men make their tabernacles and places of worship resound each Sabbath with the most outrageous abuse of all that pertains to the Government and the Union—hence do their prayers ascend loudly from the housetops for a continuance of the war till the hated Union shall be sunk—hence the persistent attempt to depreciate the national currency and institute a "gold basis" in preference to "Lincoln skins," as treasury notes are denominated in Sabbath day harangues.

"Hence it was that the establishment of a provost guard in the city was made the pretext for rousing the Mormon people to excitement and armed assembling, by the most ridiculous stories of persecution and outrage on their rights, while the fanatical spirit of the people, and the inborn hatred of our institutions and Government were effectually appealed to, to promote discord and provoke trouble. I am fully satisfied that nothing but the firmness and determination with which their demonstrations were met, at every point, prevented a collision, and the least appearance of vacillation on my part would surely have precipitated a conflict. I feel that it is not presumptuous in me to say that in view of what has already been accomplished in Utah, that the work marked out can and will be effectually and thoroughly consummated if the policy indicated be pursued and I am sustained in my measures at department headquarters. I am fully impressed with the opinion that peace is essential to the solving of the problem, but at the same time conscious that peace can only be maintained by the presence of force and a fixed determination to crush out at once any interference with the rights of the Government by persons of high or low degree. While the exercise of prudence in inaugurating measures is essential to success, it should not be forgotten that the display of power

and the exhibition of reliance on oneself have the most salutary restraining effect on men of weak minds and criminal intent. Deeply as Brigham Young hates our Government, malignant and traitorous as are his designs against it, inimical as he is against the policy here progressing of opening the mines to a Gentile populace, and desperate as he is in his fast-waning fortunes, he will pause ere he inaugurates a strife, so long as the military forces in the Territory are sufficiently numerous to hold him and his deluded followers in check. The situation of affairs in Utah is clear to my own mind, and, without presumption, I have no fear for the result, if sustained by the department commander as indicated in this and former communications. Desirous as I am of conforming strictly to the wishes and judgment of the Major-General commanding the department, and having thus fully set forth my views and the facts bearing on the case, I beg leave respectfully to ask from the department commander an expression of opinion as to the policy of the course pursued, and such suggestions or instructions as he may deem proper, as a guide in the future.

"Very respectfully, your obedient servant,

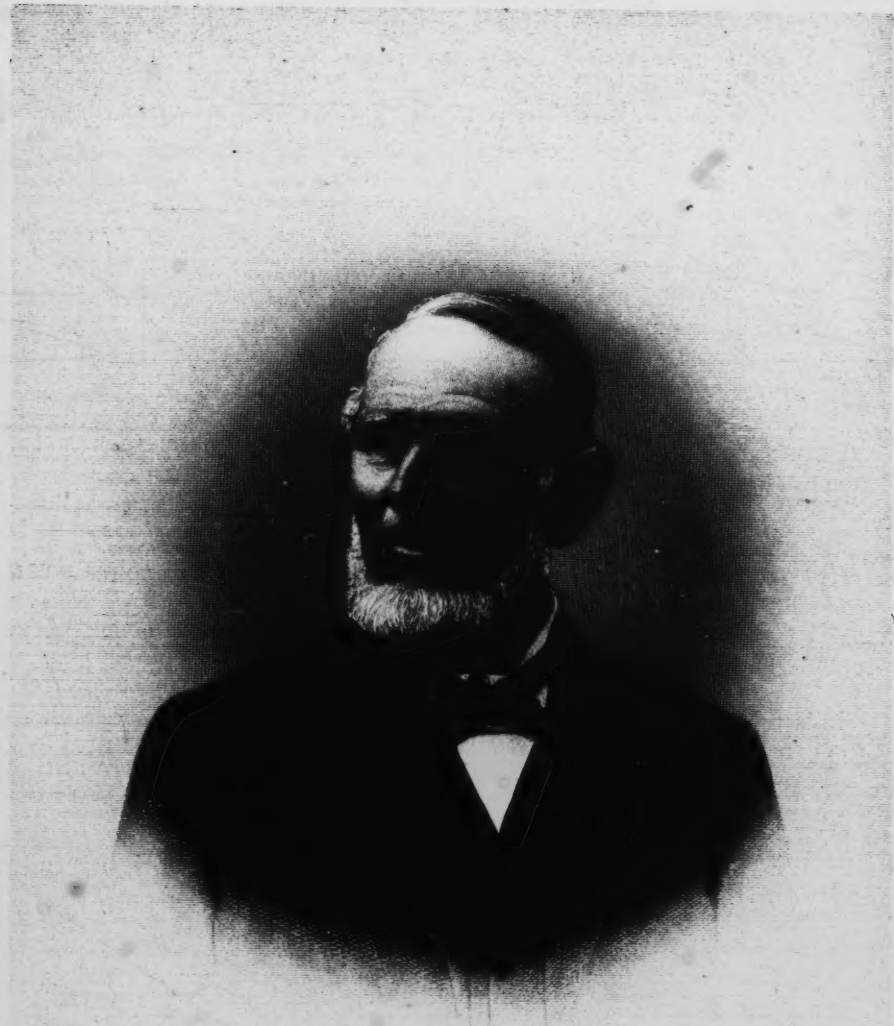
P. EDW. CONNOR,

"*Brig.-Genl. U. S. Vol., Commanding District.*

"*Lieut-Col. R. C. Drum,*

*Asst. Adjt.-Genl. U. S. A., San Francisco, Cal.*"

The foregoing documents show that General Connor designed with his troops to reconstruct Utah. In pursuance of that design undoubtedly the provost guard was established in Great Salt Lake City and his report to the Department seems a very decided asking of the Government for the mission of a semi-military dictatorship over Utah. A few years later the mines of Utah were everywhere opened and thousands of a Gentile population poured into the Territory without provoking even a desire of hindrance from the Mormon people. The General's report, though a true expression of his then views, does not accord with the actual history as since developed. And it is very suggestive to note that the Provost Marshal of our city of 1864, was Brigham Young's legal counsellor and advocate in 1872, and that General Connor offered to go bail for Brigham Young in the sum of $100,000 when he was on trial in the court of Chief Justice James B. McKean.



A. O. Smoot

## CHAPTER XXXVII.

HAPPY CHANGE IN THE RELATIONS BETWEEN THE CITY AND THE CAMP. GRAND INAUGURAL CELEBRATION OF LINCOLN BY THE MILITARY AND CITIZENS. CONNOR GREATLY MOVED BY THE LOYALTY OF THE MASSES OF THE MORMON PEOPLE. THE BANQUET AT NIGHT. THE CITY GIVES A BALL IN HONOR OF GENERAL CONNOR. THE CITY IN MOURNING OVER THE ASSASSINATION OF PRESIDENT LINCOLN. FUNERAL OBSEQUIES AT THE TABERNACLE.

The year 1865 saw a most happy change in the relations between the city and the camp. It was brought about by a hearty mutual disposition to celebrate the victories of the Union, and the inauguration of Abraham Lincoln on his second term.

An enthusiastic meeting of the officers of Camp Douglas and prominent citizens was held in the city, at Daft's Hall, on the 28th of February, 1865, and the following committees were appointed.

Committee of Arrangements: Wm. Gilbert, D. F. Walker, Samuel Kahn, Lieu.-Col. Milo George, Capt. M. G. Lewis, John Meeks. Committee on Finance: Frank Gilbert, Charles B. Greene. Committee on Exercises: Capt. C. H. Hempstead, Col. O. M. Irish, Richard A. Keyes.

The committee on arrangements selected S. S. Walker, Esq., to act as Grand Marshal who chose as his aids: Richard A. Keyes, G. W. Carleton, Charles King, Thos. Stayner, Samuel Serrine and John Paul.

On the 2nd of March the grand marshal published by order of the committee of arrangements the

PROGRAMME OF THE DAY.

The procession will form at 11 a. m., at the eastern end of Market Street (First South Temple Street) where it will be joined by the military from Camp Douglas.

Escort—Provost Guard—Co. "D." 3d Inf'y C. V., Capt. W. Kettredge commanding; Grand Marshal—Sharp Walker, Esq., and Aids; band; His Excellency the Governor of Utah and General Commanding the District; District Staff; Chaplain—Rev. N. McLeod; Orator of the day—Hon. Chief Justice John Titus; Federal Officers; Mayor, City and County Officers; Civic Societies and Citizen Military Organizations; Citizens in vehicles; Citizens on horseback; Citizens on foot; band; Lieut. Col. Milo George, 1st Cav. N. Vols, and staff; Detachments from Co.'s A, B, and D 3d Inft'y Bat. C. V. Artillery; Detachments from Co's. C, and F, 1st Cav. Nev. Vols.

A Federal salute (13 guns) will be fired by the artilery at meridian.

The procession will march under the command of the Grand Marshal through the principal streets of Salt Lake City, and assemble at the State House, corner

of Main and South Temple Streets. After appropriate exercises, a national salue of 36 guns will be fired by the artillery.

All loyal citizens of Great Salt Lake City and vicinity are cordially invited to participate in the procession and exercises, and the merchants, bankers and others are requested to close their places of business and take part in the ceremonies.

By order of the committee on arrangement.

SHARP WALKER,
*Grand Marshal.*

On the same day the City Council issued the following:

"CITY COUNCIL CHAMBER,
GREAT SALT CITY, March 2nd, 1865.

"*Whereas*, Saturday, the 4th instant, being the day of inauguration of the President of the United States, and

"*Whereas*, also, by reason of the many recent victories of the armies of our country; therefore be it

"*Resolved*, by the City Council of Great Salt Lake City, that we cheerfully join in the public celebration and rejoicings of that day throughout the United States, and that we cordially invite the citizens, and organizations, military and civil, of the Territory, county and city, to unite on that occasion. Be it further

"*Resolved*, that a committee of three be appointed to confer with the Grand Marshal of the day, and make the necessary arrangements to join in the general celebration.

A. O. SMOOT,
*Mayor.*

"Attest: ROBERT CAMPBELL,
*City Recorder.*"

The committee appointed by the City Council consisted of John Sharp, Enoch Reese and Theodore McKean. Colonel Robert T. Burton of the Utah militia was appointed Marshal. On learning of this action the following correspondence was had between the chairmen of committees:

"GREAT SALT LAKE CITY, U. T., March 3d, 1865.

"*Messrs. John Sharp, Enoch Reese and T. McKean, Esqs., Com. of the Common Council:*

"GENTLEMEN:

"The undersigned, chairman of committee on exercises on the 4th inst., appointed at mass meeting of citizens, having selected the Hon. John Titus, Chief Justice of Utah to deliver an oration on the occasion of the proposed national celebration, begs leave to say that as the exercises will be brief, the committee would be pleased to tender the stand and the occasion to some gentlemen, to be selected by yourselves, to address the concourse at the close of the oration.

"I have the honor to remain, gentlemen, very respectfully,
Your obedient servant,
CHAS. H. HEMPSTEAD,
*Chairman Committee on Exercises.*"

"GREAT SALT LAKE CITY, March 3d, 1865.

"*Hon. Chas. H. Hempstead, Chairman Committee on Exercises:*

"SIR—Your communication of to-day has been received. The committee tender their thanks, and accept the proposition, and beg leave to name Hon. Wm. H. Hooper to deliver the closing address.

Very respectfully,

JOHN SHARP,

*Chairman Com. on Arrangements.*"

Of the celebration the *Vedette* said:

"This was decidedly a notable occasion in Utah. The demonstrations were so entirely different from anything which has come within the range of our experience here, that it deserves special notice at our hands as an important event in the history of this Territory. * * * *

"The whole procession was about one mile in length, and presented a very imposing appearance. As it moved along the streets, broad and straight, of the Mormon Capital, the sidewalks, wherever it passed, the windows and even the housetops being thronged by eager, and in some instances, enthusiastic lookers on. The bands awoke the wintry echoes with inspiring strains of music, appropriate to the occasion, and, what with the profusion of flags floating from many buildings and ornamenting the teams and sleighs in the procession, or borne by the occupants, the rosettes, streamers, and the thousand and one other devices, in all of which red, white and blue were the pervading colors, the city wore a gala appearance, which seemed to be participated in by all parties, and it was evidently the determination, on all hands, to make it a day of general rejoicing.

"Having completed its perambulations, the immense concourse assembled at the stand, prepared for the purpose, in front of the market, the provost guards which had acted as escort, formed in front facing the stage, the citizen companies in their rear, stretching along the streets, and the troops from this post drawn up in four ranks on the right and with all arms at rest. Around, and on all sides, completely filling the streets, covering the roofs and hanging out of the windows, was a dense mass of humanity silent and attentive to the proceedings.

"The stand was occupied by Governor Doty, General Connor and staff, Chief Justice Titus, orator of the day, the Reverend Norman McLeod, chaplain of the day, and various of the city authorities and prominent citizens among whom were Mayor Smoot, Hon. George A. Smith, and Captain Hooper, who delivered the closing address.

"Capt. Hempstead opened the ceremonies with some brief and patriotic remarks, and on behalf of the Committee of Arrangements, announced His Excellency J. Duane Doty, Governor of Utah, as the presiding officer of the day. The Chaplain of the day then delivered an appropriate and impressive prayer, followed by Chief Justice Titus in a most able and exceedingly eloquent oration. Capt. W. H. Hooper then delivered a brief and patriotic address, relating some interesting incidents attending the opening scenes of rebellion at Washington in 1860-1. The bands discoursed most excellent music in the intervals of the several exercises, and both the oration and address were received by the attentive multitude with rousing cheers and demonstrations of applause.

"At the conclusion of the interesting ceremonies at the stand, the vast concourse dispersed amid rousing cheers and salvos of artillery. The United States forces from Camp Douglas were placed in line, and the citizen cavalry of Great Salt Lake City, under Colonel Burton, escorted them on the road to camp. Afterwards, about four o'clock, Col. George and staff, of Camp Douglas, were invited to partake of an elegant repast provided by the City Council at the City Hall. The Mayor presided, and after the cloth was removed the era of toasts, speeches, and good things generally, seemed to have arrived. Mayor Smoot opened the ball by proposing the health of President Lincoln, and success to the armies of the Union. Capt. Hempstead responded at some length and closed by a toast to 'Our hosts, the Mayor and civic authorities of Great Salt Lake City.'

"This was met in most happy style by a toast to General P. E. Connor, District Commander—responded to on behalf of the General by a member of his staff. Then came the health of 'Our guests, Colonel George and staff,' neatly replied to by the Colonel in a patriotic speech, followed by a toast to 'the Judiciary, the mainstay of republican institutions.' This called out Judge Smith, who retorted most admirably and appropriately on 'his friends the military, the right arm of the Government.'

"On the whole, the proceedings at the City Hall were an appropriate culmination of the day's proceedings. It was free, easy, hospitable and a most kindly interchange of loyal sentiment among gentlemen not wont often to meet over the convivial board. Like the procession, it was a union of the civil and military authorities of Utah, and passed off with eminent satisfaction to all concerned.

"Among those present we noticed Mayor Smoot, the members of the City Council, Judge Smith, Judge Clinton, John Taylor, John Sharp, Councilor Woodruff, George Q. Cannon, Col. Burton, Wm. Jennings, Mr. Lawrence and others, Col. George and staff, Major O'Neil and a host too numerous to mention in detail. Nearly everybody present responded to a toast most patriotically and frequently most eloquently.

"At a late hour the whole party rose and adjourned to meet at the Theatre. It was a source of very general regret that General Connor was not present, but as the whole affair was somewhat impromptu, the General was called to camp before the committee could meet him, and the members of his staff were constrained to respond in his name to the sentiments proposed in his honor.

"In the evening, fire-works and general rejoicings testified, to a late hour, the universal feeling, and the day closed after a general and patriotic jubilee rarely, if ever before seen in Utah."

Stenhouse says: "General Connor was greatly moved at the sight of the tradesmen and working people who paraded through the streets, and who cheered most heartily—and no doubt honestly—the patriotic, loyal sentiments that were uttered by the speakers. He wanted differences to be forgotten, and, with gentlemanly frankness, approached the author with extended hand, and expressed the joy he felt in witnessing the loyalty of the masses of the people."

General Connor having been called to take command of the Department of

the Platte, a ball was given by the city authorities at the Social Hall in honor of the General, preceding his departure.

Within two months after the celebration of his inaugural day the city and camp were called to unite in deep mourning over the martyrdon of Abraham Lincoln, which struck the soldier and the loyal citizen alike with horror. At the receipt of the dreadful news some of the soldiers of the provost guard established in the city seemed ready to vent their vengeful fury on the citizens, but even the rudest of them soon appreciated that for once they had done injustice to the Mormons, both leaders and people, in imagining that they would sympathize with that crowning infamy. The Mormons too keenly felt the memory of their own martyrs not to be most genuinely affected by the stroke which had given to the nation a martyr so pure in his life and patriotism, as was Abraham Lincoln.

The *Vedette* quickly did the city justice and noted:

"The merchants, bankers, saloon keepers, and all business men of Salt Lake City, closed their places of business at 10 a.m. on Saturday. The flags on all the public buildings, Brigham Young's residence, stores, etc., were displayed at half-mast, with crape drooping over them. Many of the principal stores and private residences were dressed in mourning. Brigham Young's carriage was driven through town covered with crape. The theatre was closed for Saturday evening, the usual night of performance, and every respect was shown for the death of our honored President. On Sunday the Tabernacle pulpit, Salt Lake City, was covered with crape, and every one throughout the city, that is, of the right-minded class, manifested the deepest sorrow at the horrible news conveyed by the telegraph."

At a meeting of the Federal, civil and military officials of Utah, held at the Executive, in Great Salt Lake City, April 18th, at 2 p. m., Hon. J. Duane Doty, Governor, was called to the chair, Capt. C. H. Hempstead and T. B. H. Stenhouse, Esq., appointed secretaries.

After preliminary consultation and expression of feeling over the sad event which called this meeting together, resolutions were presented by the Hon. Chief Justice Titus, which were unanimously adopted. We cull the following:

"*Resolved*, that a committee of five be appointed on the part of the Federal officers to confer with a committee of like number on the part of the city authorities, to made arrangements for suitable religious exercises to be held at the Tabernacle, April 19, at 12 o'clock m.

Col. J. C. Little informed the meeting that Elder Amasa M. Lyman had been selected by the city authorities to deliver an address at the Tabernacle.

"On motion, it was unanimously resolved that Rev. Norman McLeod be also invited to deliver an eulogium on the life, character and illustrious services of the late President, on the same occasion and at the same place.

"In accordance with the foregoing resolutions the following gentlemen were appointed by the chair as the committee of arrangements, viz: Hon. Chief Justice John Titus, Col. O. H. Irish, Capt. Chas. H. Hempstead, Col. Robt. T. Burton, and Col. J. C. Little.

"Following is the committee appointed on behalf of the city authorities, viz: Hon. Mayor Smoot, Alderman Sheets, Alderman Raleigh, Theo. McKean and N. H. Felt, Esqs.

"On motion, the secretaries were instructed to transmit a copy of the proceedings of this meeting to the City Council, and that public notice be given of the exercises at the Tabernacle.

J. DUANE DOTY,
*President.*

"T. B. H. STENHOUSE, CHAS. H. HEMPSTEAD, *Secretaries.*

Of the funeral obsequies in the Tabernacle the *Vedette* says:

"On Wednesday, pursuant to notice, all business was suspended in Great Salt Lake City, the stores, public and private buildings were draped in mourning, and long before the hour named—12 M.—throngs of citizens were wending their way to the Tabernacle to render the last sad, solemn, and heartfelt tribute to the great departed and deeply mourned dead. The Tabernacle was more than crowded, and upwards of three thousand people were present. The vast assemblage was called to order by City Marshal Little, in the name of the mayor, immediately after the entrance of the orators, civil and military functionaries, and a large body of prominent citizens, who occupied the platform. The scene was impressive and solemn, and all seemed to partake of the deep sorrow so eloquently expressed by the speakers on the occasion. The stand was appropriately draped in mourning, and the exercises were opened by an anthem from the choir. Franklin D. Richards delivered an impressive prayer. The address of Elder Amasa M. Lyman was an earnest and eloquent outburst of feeling, and appropriate to the occasion. He spoke for forty-five minutes, and held the vast audience in unbroken silence and wrapt attention.

"The address did credit to Mr. Lyman's head and heart. After another anthem from the choir, Rev. Norman McLeod, Chaplain of Camp Douglas was introduced, and delivered one of the most impressive and burning eulogiums on the life, character, and public services of President Lincoln which it was ever our pleasure to hear."

## CHAPTER XXXVIII.

VISIT OF THE COLFAX PARTY TO SALT LAKE CITY. A TELEGRAM FROM THE MUNICIPAL COUNCIL MEETS THEM ON THE WAY WITH TRIBUTE OF THE CITY'S HOSPITALITIES. THEY ACCEPT THE WELCOME. ENTRANCE INTO THE CITY UNDER ESCORT. ENTHUSIASM OF THE PARTY OVER THE BEAUTIES OF THE ROCKY MOUNTAIN ZION. GRAND SERENADE AND SPEECHES. FORECAST OF THE GREAT FUTURE OF SALT LAKE CITY.

The visit of Schuyler Colfax and party to Great Salt Lake City commences a new epoch in the history both of our city and Territory. The party consisted of Hon. Schuyler Colfax, the then speaker of the House of Representatives, Lieutenant-Governor Bross, of Illinois, Samuel Bowles, editor of the Springfield (Mass.) *Republican*, and Albert D. Richardson, of the New York *Tribune*. Speaker Colfax undoubtedly came in a semi-official capacity. Indeed, in his address to the people of the West, he told them specifically that President Lincoln, just previous to his assassination, charged him specially to thoroughly investigate the affairs and interests of the Pacific States and Territories, for the Nation's purposes, and that Mr. Lincoln had entertained an extraordinary faith in the destiny of the great West, believing it would become the treasure-house of the Nation. In this view Utah was particularly an object of interest, not only for her prospects as a great silver mining Territory, but extraordinarily because of her peculiar social and domestic institutions. It was inferred that President Lincoln had designed some adequate legislation on Utah, consonant with his aims and spirit in the reconstruction of the South. This was to be gathered from the utterances of his envoy to the West—the character which Mr. Colfax certainly assumed. It is true that early in the war period President Lincoln had said to a representative of Brigham Young—"that if the Mormons would let him alone he would let them alone;" but the Republican party which had elected him to supreme power, and in their initial platform coupled Utah and the South in a common and final settlement, now expected of him to adjust the affairs of Utah simultaneously with those of the "conquered South," and in accordance with the "Chicago platform," which had declared "Slavery and Polygamy twin relics of barbarism."

Such was the significance of the Colfax visit to Utah; and, though the contemplated "settlement of Utah affairs" by special legislation was interrupted by the assassination of President Lincoln, and further interrupted by the great controversy which took place between the leaders of Congress and President Andrew Johnson, the original design of legislation for Utah quickly came up again when Colfax was elected vice-president, when it further assumed quite a war aspect. As this first visit of Mr. Colfax and party is the beginning of a chain of events and circumstances which have an unbroken continuance from the rise of General Grant and Mr. Colfax to the control of the nation, and perchance may be con-

tinued for the next quarter of a century, the narrative of this Colfax visit, and a digest of the salient points of the speeches and utterances of the party in public to the citizens, and in private conversations with the Mormon leaders, may be preserved as a unique and very suggestive chapter of Utah's history.

Along the journey from Atchison to San Francisco, the public was kept posted and alive with the movements and utterances of the Speaker and his companions, through the medium of the telegraph and Mr. Bowles' letters; and, at every stage of the journey, the national importance of this visit to the great West was made the universal topic throughout the land.

Mr. Bowles in closing his letters from Denver announced: "Our week in Colorado is ended; we are off this morning for the seven days' stage ride north and west along the base of the Rocky Mountains, and through them at Bridger's Pass, to Salt Lake City, where we expect to worship with Brigham Young in his Tabernacle on Sunday week."

In this same letter Mr. Bowles gives a description of Mr. Colfax's person, life, and public character, in which he said:

"Without being, in the ordinary sense, one of the greatest of our public men, he is certainly one of the most useful, reliable and valuable, and in any capacity, even the highest, he is sure to serve the country faithfully and well. He is one of the men to be tenaciously kept in public life, and I have no doubt he will be. Some people talk of him for president; Mr. Lincoln used to tell him he would be his successor; but his own ambition is wisely tempered by the purpose to perform present duties well. He certainly makes friends more rapidly and holds them more closely than any public man I ever knew; wherever he goes, the women love him, and the men cordially respect him; and he is sure to always be a personal favorite, even a pet, with the people."

In the very nature of things, the heralded visit of such a personage to the Rocky Mountain Zion created an uncommon interest here; and the City Fathers hastened to meet him on the way with the following telegram:

"GREAT SALT LAKE CITY, UTAH, June 7th, 1865.

"*Hon. Schuyler Colfax and Traveling Companions, at Fort Bridger:*

"*Gentlemen:*—The undersigned committee, appointed by the city council of Great Salt Lake, take pleasure in informing you that the city council have unanimously passed a resolution tendering to you the hospitalities of the city during your sojourn in our midst.

Being appointed to notify you of this resolution, we beg to add that a committee of gentlemen have been also appointed by that body, to meet you before arrival in the city, and to conduct you to apartments prepared for your use.

"Not being fully acquainted with the names of the gentlemen in the party, we ask excuse for the omission, by extending a warm invitation to them all.

"We are, gentlemen, yours very respectfully.

W. H. HOOPER,
J. H. JONES,
WILLIAM JENNINGS,
T. B. H. STENHOUSE,
*Committee.*"

FORT BRIDGER, June 10.

"*W. H. Hooper, Committee:*—Our party accept. We leave here this morning about ten o'clock and expect to reach Salt Lake City, on Sabbath morning about eight o'clock.

SCHUYLER COLFAX."

The committee appointed by the Mayor and city council, to receive Speaker Colfax and friends, met them as they descended the hill entering the city, about eight o'clock on Sunday morning. As the stage halted, Captain Hooper, the chairman of the committee, exchanged salutations with Mr. Colfax, and simultaneously both parties descended from their carriages and shook hands. The chairman of the committee then made a cordial address of welcome to Mr. Colfax and friends in the city's name, in which he said:

"In tendering you, and your traveling companions, Mr. Colfax, the hospitality of our mountain home, I do so with pride, that I am able to present to you a monumental evidence of what American people can do.

"Seventeen years ago, this people, the citizens of Utah, immigrated to these distant parts, and were the first to unfurl the flag of the United States, when they fixed their camp where the city now stands, and to-day we are surrounded with the solid comforts and with many of the luxuries of life.

"While I bid you welcome, sir, we think of the many services you have rendered us, and of the great good we have derived therefrom, for we are sensible that no man has done more to establish postal facilities on the great overland route to the Pacific. No people can appreciate those services more sensibly than the citizens of Utah, for we have often passed many months in the year without any communication whatever with our parent government. You, sir, were one of the first to stretch forth your hand to remedy this evil, and now instead of waiting months for news from the East, we receive it almost daily, by means of this service; and thousands are blessed in the benefits of that great measure you have so faithfully advocated.

"The great enterprise of establishing the telegraph wire across the continent, from which we have derived hourly communication with our sister States and Territories, is truly a great blessing, and to no one I am sure, Mr. Colfax, is the country indebted more than to yourself, for its erection. The active support which you gave the measure, contributed much to the establishment of the line, a medium through which time and space are nearly annihilated.

"We take pride in introducing you to our city, in calling your attention to the improvements with which it is surrounded, as well as those of our settlements, reaching five hundred miles north and south and two hundred miles east and west. We take pleasure as well as pride, in alluding to our mills, woollen, cotton and paper factories, orchards, vineyards and fields of cotton and grain, and to every branch of our home industry introduced to multiply among ourselves, from the facilities which our country offers, every means of social and national comfort and independence. We present you these as the result of our industry and of our perseverance, against almost insurmountable obstacles.

"To you editorial gentlemen, who not only govern, but in a sense manufac-

ture, public opinion, we offer a hearty welcome. We had the pleasure, some years ago, of a visit from Mr. Greeley, of the *Tribune*, who spent some time in our midst, and I can say with truth that in him we have always found a gentleman ready and willing at all times to lend his influence in the cause of human progress. In conclusion, gentlemen, I again say, welcome."

Mr. Colfax made a fitting reply to the "welcome," and the guests and committee were then formally introduced to each other. Mr. R. Campbell, city recorder, read the resolutions passed by the city council, tendering to Speaker Colfax and party the hospitalities of the city, after which the guests stepped into the carriages provided by the committee and were escorted by them into the city.

Letter VIII. in Bowles' Book—"Across the Continent"—gives a graphic touch of the feelings and views of the Colfax party on their entrance into the Mormon Zion, amid the hearty welcomes of our citizens, both Mormon and Gentile. It is his first letter to the Springfield *Republican* from Great Salt Lake City, and is dated June 14, 1865:

"Leaving Fort Bridger for our last day's ride hither," wrote the pen of the Colfax party, "we leave the first Pacific slopes and table lands of the Rocky Mountains, drained to the south for the Colorado River, and to the north for the Columbia, and go over the rim of the basin of the Great Salt Lake, and enter that continent within a continent, with its own miniature salt sea, and its independent chain of mountains, and distinct river courses; marked wonderfully by Nature, and marked now as wonderfully in the history of civilization by its people, their social and religious organization, and their material development. This is Utah—these the Mormons. I do not marvel that they think they are a chosen people; that they have been blessed of God, not only in the selection of their home, which consists of the richest region, in all the elements of a State, between the Mississippi Valley and the Pacific Shore, but in the great success that has attended their labors, and developed here the most independent and self-sustaining industry that the western half of our continent witnesses. Surely great worldly wisdom has presided over their settlement and organization; there have been tact and statesmanship in their leaders; there have been industry, frugality and integrity in the people; or one could not witness such varied triumphs of industry and ingenuity and endurance as here present themselves. * * * *

"Early 'sun-up' brought us to the last station, kept by a Mormon bishop with four wives, who gave us bitters and breakfast—the latter with green peas and strawberries—and then, leaving number one at his home, went on with us to the city for parochial visits to the other three, who are located at convenient distances around the Territory.

"Finally we came out upon the plateau—or 'bench,' as they call it here—that overlooks the valley of the Jordan, the valley alike of Utah Lake and the Great Salt Lake, and the valley of the intermediate Great Salt Lake City. It is a scene of rare natural beauty. To the right upon the plateau lay Camp Douglas, the home of the soldiers and a village in itself; holding guard over the town and within easy cannon range of tabernacle and tithing-house; right beneath, in an angle of the plain—which stretched south to Utah Lake and west to the Salt

Lake—"and Jordan rolled between"—was the city, regularly and handsomely laid out, with many fine buildings, and filled with thick gardens of trees and flowers, that gave it a fairy-land aspect; beyond and across, the plain spread out five to ten miles in width, with scattered farm-houses and herds of cattle; below, it was lost in the dim distance; above, it gave way, twenty miles off, to the line of light that marked the beginning of the Salt Lake—the whole flat as a plain, and sparkling with river and irrigating canals, overlooked on both sides by hills that mounted to the snow line, and from which flowed the fatness of water and soil that makes this once desert valley blossom under the hand of industry with every variety of verdure, every product of almost every clime.

"No internal city of the Continent lies in such a field of beauty, unites such rich and rare elements of nature's formation, holds such guarantees of greatness, material and social, in the good time coming of our Pacific development. I met all along the plains and over the mountains, the feeling that Salt Lake was to be the central city of this West; I found the map, with Montana, Idaho, and Oregon on the north, Dakota and Colorado on the east, Nevada and California on the west, Arizona on the south, and a near connection with the sea by the Colorado River in the latter direction, suggested the same; I recognized it in the Sabbath picture of its location and possessions; I am convinced of it as I see more and more of its opportunities, its developed industries and its unimproved possessions.

"Mr. Colfax's reception in Utah was excessive if not oppressive. There was an element of rivalry between Mormon and Gentile in it, adding earnestness and energy to enthusiasm and hospitality. First a troop cometh, with band of music, and marched us slowly and dustily through their Camp Douglas. Then, escaping thus, our coach was waylaid, as it went down the hill, by the Mormon authorities of the city. They ordered us to dismount; we were individually introduced to each of twenty of them; we received a long speech; we made a long one—standing in the hot sand with a sun of forty thousand lens power concentrated upon us, tired and dirty with a week's coach ride: was it wonder that the mildest tempers rebelled? Transferred to other carriages, our hosts drove us through the city to the hotel; and then—bless their Mormon hearts—they took us at once to a hot sulphur bath, that nature liberally offers just on the confines of the city, and there we washed out all remembrance of the morning suffering and all the accumulated grime and fatigue of the journey, and came out baptized in freshness and self-respect. Clean clothes, dinner, the Mormon Tabernacle in the afternoon, and a Congregational (Gentile) meeting and sermon in the evening, were the proceedings of our first day in Utah.

"Since and still continuing, Mr. Colfax and his friends have been the recipients of a generous and thougthful hospitality. They are the guests of the city; but the military authorities and citizens vie together as well to please their visitors and make them pleased with Utah and its people. The Mormons are eager to prove their loyalty to the government, their sympathy with its bereavement, their joy in its final triumph—which their silence or their slants and sneers heretofore had certainly put in some doubt—and they leave nothing unsaid or undone now, towards Mr. Colfax as the representative of that government, or towards the pub-

lic, to give assurance of their right mindedness. Also they wish us to know that they are not monsters and murderers, but men of intelligence, virtue, good manners and fine tastes. They put their polygamy on high moral grounds; and for the rest, anyhow, are not willing to be thought otherwise than our peers. And certainly we do find here a great deal of true and good human nature and social culture; a great deal of business intelligence and activity; a great deal of generous hospitality—besides most excellent strawberries and green peas, and the most promising orchards of apricots, peaches, plums and apples that these eyes ever beheld anywhere."

Passing from Mr. Bowles' gushing description of the entrance of the Colfax party to the Mormon Zion, we come to the grand serenade and welcome given to them, on the Monday evening, by the citizens generally.

At an early hour crowds of citizens assembled on Main Street, in front of the Salt Lake House. After dusk the assemblage grew immense, and anxious silence was enlivened by patriotic airs from the city brass band, under Captain Charles J. Thomas. On the appearance of the distinguished visitors on the balcony, escorted by the city authorities, Mayor A. O. Smoot was unanimously called to the chair. Hon. John F. Kinney, the then delegate of Utah to Congress, made some prefatory remarks, introducing Speaker Colfax, who came forward and favored the gathered thousands with a speech, in the capacity of a social talk at times, and anon exalting into the realms of patriotism and eloquence. The points touching on our city and its people will form links in the chain of history. Speaker Colfax thus addressed the Mormon people:

"Fellow citizens of the Territory of Utah: Far removed as I am to-night from my home, I feel that I have a right to call every man that lives under the American flag in this wide-spread republic of ours, by the name of fellow citizen. I come before you this evening—introduced by your delegate in so complimentary a manner, fearing that you will be disappointed by the speech to which you have to listen. I rise to speak to you of the future of this great country of ours, rather than of the past, or of what has been done for it in the progress of this great republic.

"I was gratified when, on this long journey which my companions and myself are taking, we were met at the gates of your city, and its hospitality tendered to us; although I must confess I would far rather have come among you in a quiet way, travelling about, seeing your city and Territory, and making observations, without subjecting your official dignitaries to the trouble and loss of time that our visit seems to have entailed upon them, but which they insist is a pleasure. Yet when they voluntarily, and unexpectedly to us, offered us officially this hospitality, we felt that it should be accepted as promptly as it was tendered. I accept it the more cordially because I know that every one of you who knows anything about me and my companions, is sure that, reared as we have been in a different school from what you have been, and worshipping on a different altar, we are regarded as gentiles; yet, despite of all this, you have seen fit to request us to stop, on this journey to the Pacific, to receive the hospitalities which we have had lavished on us so boundlessly during the two days we have been in your midst. I rejoice that I came to you in a time like this, when the rainbow of

peace spans our entire horizon from ocean to ocean, giving the assurance that the deluge of secession shall not again overwhelm this fair land of ours. (Cheers). I come to you rejoicing, and I was glad to hear from my old friend, Capt. Hooper, your former delegate to Congress, when he made his welcoming speech on Sabbath morning in the suburbs of your city, that you too rejoiced in the triumph of this great republic of ours over the enemies who sought to bayonet the prostrate form of liberty, and to blot this great country from the map of the world. Thank God, who rules in the heavens, who determined that what he joined together on this continent, man should not put asunder; the republic lives to-day, and will live in all the coming ages of the future. (Cheers). There may be stormy conflict and peril; there may be a foreign war, but I trust not; I am for peace instead of war, whenever war can be honorably avoided. I want no war with England or France. I want the development and mighty sweeping forward of our giant republic, in its march of progress and power, to be, as it will be, the commanding nation of the world, when it shall lift its head like your Ensign Peak, yon tall cliff that lifts its mighty form swelling over the valley, laughing at the rolling storm clouds around its base, while the eternal sunshine settles on its head. * * * * *

"I came here to-night, my friends, to speak to you frankly about the object of our visit in your midst. I know it is supposed, it is almost a by-word, that we of the sterner sex have adopted, that the ladies, the other sex, are the most inquisitive. Having a profound reverence for woman, for I believe that mother, wife, home and heaven are the four noblest words in the English language, I have never believed this to be true; but from long experience and observation, am persuaded that our own sex is quite as inquisitive as the other. I can give you some proof of this: there has not been a single lady in Salt Lake City that has asked, 'what have you come out here for?' While there have been several gentlemen who have inquired, very respectfully, it is true, 'what was the object of your coming to Utah?' (Cheers and laughter.) Now I am going to tell you frankly all about it, so that your curiosity shall be entirely allayed.

"I will begin by telling you what we did not come for. In the first place, we did not come here to steal any of your lands and possessions, not a bit of it. In the second place we did not come out here to make any remarkable fortune by the discovery of any gold or silver mines just yet. In the third place, we did not come out here to take the census of either sex among this people, and to this very hour I am in blissful ignorance as to whether the committee that met me in the suburbs of the city, are, like myself, without any wife, or whether they have been once or twice married, except your two delegates to Congress—they told me they only had a wife apiece. (Laughter.) In the fourth place, we did not come out here to stir up strife of any character; we came here to accept the hospitality of everybody here, of all sects, creeds and beliefs who are willing to receive us, and we have received it from all. Well, now, you see we could not have any ulterior design in coming here. * * * * *

"Now, you who are pioneers far out here in the distant West, have many things that you have a right to ask of your government. I can scarcely realize, with this large assembly around me, that there is an almost boundless desert of

1,200 miles between myself and the valley of the Mississippi. There are many things that you have a right to demand; you have created, however, many things here for yourselves. No one could traverse your city without recognizing that you are a people of industry. No one could look at your beautiful gardens, which charmed as well as astonished me, for I did not dream of any such thing in the city of Salt Lake when I came here, without realizing that you, or many of you, are a people of taste. If anybody doubt that, I think that one of your officers on the hill, who turned us loose into his strawberries to day, realized that he had visitors of taste. (Cheers and laughter.) I regret yet that I left it; but I was full, and the truth is I was too full for utterance, therefore I cannot make much of a speech to night.

"In the first place, to speak seriously, coming out here as you had, so far from the old States, you had a right to demand postal communication. I heard something that surprised me, it must be an exaggeration of the truth—that at one time in your early settlement of this place, you were so far removed from postal communication, that you never heard of the nomination of President Pierce until he was elected and inaugurated as President. (A voice, 'that's so.') That was some six or eight months—that was a slow coach, and I don't see how any one who had been in the habit of reading a newspaper ever could get along at all; he must have read the old ones over and over again.

"It happened to be my fortune in Congress to do a little towards increasing the postal facilities in the West; not as much as I desired, but as much as I could obtain from Congress. And when it was proposed, to the astonishment of my fellow-members, that there should be a daily mail run across these pathless plains and mighty mountains, through the wilderness of the West to the Pacific, with the pathway lined with our enemies, the savages of the forest, and where the luxuries and even the necessaries of life in some parts of the route are unknown, the project was not considered possible; and then, when in my position as chairman of the post office committee, I proposed that we should vote a million dollars a year to put the mail across the continent, members came to me and said, 'You will ruin yourself.' They thought it was monstrous—an unjust and extravagant expenditure. I said to them, though I knew little of the West then compared to what I have learned in a few weeks of this trip, I said, 'the people on the line of that route have a right to demand it at your hands, and in their behalf I demand it.' (Cheers.) Finally the bill was coaxed through, and you have a daily mail running through here, or it would run with almost the regularity of clockwork, were it not for the incursions of the savages. * * *

"You had a right to this daily mail, and you have it. You had a right, also, to demand, as the eastern portion of this republic had, telegraphic communication—speeding the messages of life and death, of pleasure and of traffic; that the same way should be opened up by that frail wire, the conductor of Jove's thunderbolts, tamed down and harnessed for the use of man. And it fell to my fortune to ask it for you, to ask a subsidy from the government in its aid. It was but hardly obtained; yet now the grand result is achieved, who regrets it,—who would part with this bond of union and civilization? There was another great interest you had a right to demand. Instead of the slow, toilsome and expensive manner in which you freight your goods and hardware to this distant Territory,

you should have a speedy transit between the Missouri Valley and this intermountain basin in which you live. Instead of paying two or three prices,—sometimes overrunning the cost of the article,—you should have a railroad communication, and California demands this. I said, as did many others in Congress, 'This is a great national enterprise; we must bind the Atlantic and Pacific States together with bands of iron; we must send the iron horse through all these valleys and mountains of the interior, and when thus interlaced together, we shall be a more compact and homogenous republic.' And the Pacific Railroad bill was passed. This great work of uniting three thousand miles, from shore to shore, is to be consummated; and we hail the day of peace, because with peace we can do many things as a nation that we cannot do in war. This railroad is to be built—this company is to build it; if they do not the government will. It shall be put through soon; not toilsomely, slowly, as a far distant event, but as an event in the decade in which we live. * * * *

"And now, *what has the government a right to demand of you?* It is not that which Napoleon exacts from his officers in France,—which is allegiance to the constitution and fidelity to the emperor. Thank God, we have no emperor nor despot in this country, throned or unthroned. Here every man has the right, himself, to exercise his elective suffrage as he sees fit, none molesting him or making him afraid. And the duty of every American citizen is condensed in a single sentence, as I said to your committee yesterday,—not in allegiance to an emperor, but *allegiance to the constitution, obedience to the laws, and devotion to the Union.* (Cheers.) When you live to *that* standard you have the right to demand protection; and were you three times three thousand miles from the national capital, wherever the starry banner of the republic waves and a man stands under it, if his rights of life, liberty and property are assailed, and he has rendered *this* allegiance to his country, it is the duty of the government to reach out its arm, if it take a score of regiments, to protect and uphold him in his rights. (Cheers.)

"I rejoice that I came into your midst. I want to see the development of this great country promoted. I would now touch on a question which I could allude to at greater length—that is about mining—but I find that our views differ somewhat with the views of some whom you hold in great respect here, therefore I will not expand on this subject as in Colorado or Nevada. But I would say this, for the truth compels me to say it, that this great country is the granary of the world everybody acknowledges, at home and abroad. When five of the States in the Northwest produce three hundred and fifty million bushels of grain per year—when you can feed all your own land, and all the starving millions of other lands besides, with an ordinary crop, then you are indeed the granary of the world. But this country has a prouder boast than that—it is the treasury of the world. God has put the precious metals through and through these Rocky Mountains, and all these mountains in fact, and I only say to you that if you, yourselves, do not develop it, the rush and tide of population will come here and develop it and you cannot help it. (Cheers.) The tide of emigration from the old world, which even war with all its perils did not check, is going to pour over all these valleys and mountains, and they are going to extend the development of nature, and I will tell you if you do not want the gold they will come and take it themselves.

(Cheers.) You are going to have this Territory increase in population, then there will not be much danger about this State matter.

"Now, with the bright stars looking down upon us here, as they do on our friends in distant States, I thank you for the kind attention with which you have listened to me; and while I hold the stand I ask you to join with me, if you will, in three hearty hurrahs for that Union which is so dear to our hearts, the very ark of our covenant, which may no unhallowed hand ever endanger in the centuries yet to come."

The assembled throng joined with the speaker and gave three hearty cheers, which were followed with three cheers "for Colfax."

Next came Lieutenant-Governor Bross of Illinois, editor of the Chicago *Tribune*, whose speech (given entire) is one of the most hearty, genuine tributes ever uttered or penned in honor of the early settlers of Utah:

"Fellow citizens: I have no doubt at all but that I could make a very good speech, if the Honorable Speaker of the House of Representatives of this great nation had not taken all the wind out of my sails, and left me nothing to say. (Laughter.) But it is just like him, for though he and I are neighbors, close neighbors, as he lives in the State of Indiana and I in the State of Illinois, yet that is the concession I am always obliged to make to the honorable gentleman. But I can only join my testimony to what the honorable Speaker has said, of my amazement at the development which I witness around me.

"To see what I have seen to day—your beautiful gardens; where, less than twenty years ago, sage brush held undisturbed possession of the soil, now side by side, grow in luxuriance and tempting sweetness the peach, the apple and the strawberry, is a matter of astonishment to me beyond anything I ever saw before in my life. (Cheers.) And it shows to me, my fellow-citizens, because we are all citizens of this great and glorious republic, what industry and energy, guided by intelligence, can do for this broad land. (cheers.) I can look back over those wastes of sage brush, over which we have passed in our travel, and wherever there is a mountain current to water the soil, I see before me in this great city what can be realized on every acre of the broad plains between the Missouri and this beautiful valley. And I know that American energy and American enterprise will soon redeem large tracts of this land through which we have passed, and soon, instead of being a vast desert, it will bloom and blossom like the rose, as your city does to-day. (Hear, hear.)

"I have always been a western man, though living down east. I have always felt that the West was soon to be the centre of wealth and power to this great nation. When but a boy I studied its geography; when I grew to manhood, I studied its resources; now I am here to witness with my own eyes what American enterprise can do in the centre of the continent. And representing as I do, the great State of Illinois, that State that can furnish food for the nation, and that city that sits as a queen at the head of Lake Michigan, ready with open arms to grasp the wealth of this North-west, and to pour back her wealth upon it, I feel here to-night, as if I had an interest in you, and in the progress and development of this Territory and every other Territory between the lakes and the Pacific. And whatever I can do, as editor of what is recognized as one of the chief newspapers in the city of

Chicago, to advance the interests of this North-west, you may calculate I shall do for your benefit. (Cheers.)

"Among those things which I shall advocate is the necessity of the further development and the pushing forward of those great lines of communication which are to make us neighbors; and then, instead of rolling along in one of Mr. Holladay's fine coaches, for fine they certainly are, with our good friend Otis, I expect to have him by the hand, and taking our seat in the cars, come to Salt Lake City to eat strawberries with you in the short space of three days. (Cheers.)

"I have seen a stage coach and the men who drive these stages across these great plains and mountains, and I wish to add my tribute of respect not only to Ben Holladay, but to the humblest stage driver between here and the Missouri. (Cheers.) They are brave men all, noble men all, everywhere in these stations. Passing along from one to the other, we found intelligence and that which charmed us; and from my position here before you to-night, you can see I must have fared very well, and in Salt Lake City they have not starved me. (Laughter.) I can say, from my experience here, I have tested the capacity of man's system to contain strawberries and I find it large, but it did not equal the capacity of our friend's strawberry bed."

"My fellow citizens, let me here repeat that in this excursion we have found a great many things to interest us. I have made a great many discoveries which I intend to send down home for the benefit of those who shall come here in the stage coach, for that is an institution I have learned to value. I reverence the stage coach; there is no such place to sleep in as the stage coach when running over the rocks and through chuck-holes. A man can sleep in a stage coach, and four hour's sleep there is worth a whole night's sleep in a bed. I have engaged of our good friend Otis one of his stage coaches, and I intend to have it sent right down to Chicago, and have some of Gates' machinery to work it, and I shall sleep in it the rest of my life. (Laughter.)

"I say, therefore, go on developing this valley as you have done. Build your canal from Utah Lake, cut your canal the other side of Jordan; they say it is a hard road to travel, but I have not found it so. Cut your canals and water this whole land, that it may bud and blossom and bring forth abundantly. I have seen here such an evidence of wealth, cultivation and progress as would surprise any man, let him come from where he will; even if he be a western man, it will surprise him.

"So far as the railroad is concerned, and my friend Colfax has run the engine pretty well, I want to say to you, that we here, connected with the newspapers back east, I and my associates of the quill, will do all that we can do; we will concentrate our energies for the accomplishment of that great enterprise, to push it through to the Pacific—we will do all we can for you, we will do all we can to lessen the expense, the vast expense, of drawing your goods all the way from the Missouri to Salt Lake City. You want the railroad—you want it for its intelligence; you want it from the fact that it mixes up a people and enlightens them, and gives them broader and more liberal views. It will place within your reach here many of the facilities and conveniences of life, now enjoyed by other sections of the nation. I say, my fellow citizens, let us all feel, in the great work of developing this continent, that each one must do his share.

"I will say here, and ever hereafter, that, so far as you citizens of Utah are concerned, you have done your full share in developing the resources of this Territory. (Cheers.) If seventeen years, that is the exact time you have been here, has accomplished what it has, what will not the seventeen years to come accomplish, or a quarter or half a century, for this magnificent valley? You will have these hills swarming with the denizens of New York and Chicago—gentlemen coming to spend the summer angling on the lakes, and to see what wonders you have developed among the mountains, as we are doing in our stay during the week. To-morrow we go down to Salt Lake, to enjoy ourselves the best possible. And when we go home, we will tell the people what we have seen. We are accustomed to tell the truth. The newspaper is not what it once was. We hold this, that the truth in a newspaper is as essential to its success, as is the truth in social life, (cheers) and that nothing but the truth, plainly told, will tell on the interests of this Territory and of this great Northwest, and so far as I am concerned I will tell nothing but the truth about you. (Cheers.)

"Now, passing over the things in which we differ, leaving time and circumstances to bring us together, let me say that I believe in the great principles that our Creator has established. I believe that the principles of commerce, the principles of our holy religion, will in the end fuse mankind together and make us all love each other as brothers. (Cheers.) I believe in a higher civilization, in a higher Christianity, being developed in the progress of human events, and such as shall make all men feel that all men are brothers. (Cheers.)

Now, my fellow-citizens, wishing you all prosperity and happiness, and thanking you for your kind reception which you have given to us individually, I bid you good evening."

Mr. Albert D. Richardson, of the New York *Tribune*, closed the speeches of the evening in a strain congenial to that of his companions.

* * * "I am impressed," he said, "with gratification and pleasure at your kind reception and warm and pleasant hospitalities, with wonder at the natural beauties of your surroundings, and at the artificial beauties which your skill and perseverance have given to your young and flourishing city. To me they are full of material for thought, full of suggestiveness.

"The last four years have taught us and the world a great lesson—the lesson that any community, that any section of States under this government which attempts to resist the laws, will be ground to dust, under the authority of the American people. The next four years will teach a lesson, equally impressive, that peace hath her victories no less renowned than war. * * *

"There is to be a tide of migration towards the West, such as the world has never seen before—there is to be a rapid development, such as the world has never seen before. There are boys here to-night who are to see the great regions of the West, from the Alleghanies to the Pacific, teeming with the life of a hundred millions of people. There are old men here to-night who will live to see the accomplishment of that grandest of material enterprises—such a one as the world has never seen—the Pacific Railroad, to see people from New York and San Francisco, London and China, stopping on the great plains to exchange greetings and newspapers, while their respective trains are stopping for breakfast.

"It is only in the grand material development of the country—the building of cities and railroads, the commerce on the river, the establishment everywhere of farms, that the greatest pride of American development is to consist, but that, by and bye, when all these mingling and divers nationalities are blended into one, America is to give the world the best men, the highest average men, the most intelligent men, of the purest integrity, of the most varied accomplishments, that the world has ever seen.

"But what is all this specially to you? In my judgment it is a great deal—it is everything, because your location is in the very heart, the very focal point of the new States which are to spring up here. Here is the line of travel, here are the fields of settlement, here is the path of empire. Here is such a site for a city as no commercial metropolis in the whole world occupies. I am dazzled at the thought of the future which may be before it, and of the future which may be before your people.

"The government of the United States, I believe, will do its part to help you. The people of the United States, through their pioneer instinct to move westward, to plant themselves, to build new regions, will help you. Will you do your part of the work? (Yes, yes.) It is with the profoundest interest that, during the few days that I have been in your Territory, I have been studying its features and its developments. I have been in many of your ranches, in your green fields, in many of your gardens, your residences, your business houses, and I have looked with wonder at the almost miracles you have performed in the few years you have been here. And I will tell you, gentlemen, what the development which I have seen means, what it means to me. When I think of the vast labor you had to perform, of this terrible journey from the river here, and when I see what you have done, I am full of wonder and admiration; they mean to me industry; they mean to me integrity and justice in your dealings with each other. (Cheers.) Because I know enough of pioneer life, I know enough from practical observation and experience of the difficulties that environ and constantly beset new communities, to know this could not have been done by an idle people, by a volatile people, by a people who do not deal fairly and justly among themselves and with each other.

"That to me is a grand augury for your future; if you display in the future the same industry you have displayed during these pioneer years, and then adjust yourselves, as you will be compelled to, to the wants, necessities, and associations of the great communities that will flow in here upon you, to become a part of yourselves; if you perform your duties, as I doubt not you will, to our common country, right here in this beautiful valley, in this great basin, is to be one of the richest and most populous portion of our nation.

"I wish I could paint your coming horizon; I wish I could cast the horoscope of your future; but I think it cannot be many years before the new star of Utah will sail up our horizon to take her place among the other members of our American constellation, (cheers) which we fondly hope, like the stars that light us tonight, shall 'haste not nor rest not, but shine on forever.'"

NOTE—The foregoing speeches were reported by the able and faithful pen of the late David W. Evans, and revised by Mr. Colfax and his companions.

## CHAPTER XXXIX.

THE CITY FATHERS TAKE THE PARTY TO THE GREAT SALT LAKE. MEETING OF THE SPEAKER OF THE HOUSE AND THE FOUNDER OF UTAH. THE NATION DINES WITH THE CHURCH. THE PRESIDENT PREACHES IN THE TABERNACLE AT THE REQUEST OF THE SPEAKER, WHO IN TURN TREATS THE SAINTS WITH HIS EULOGY ON LINCOLN. ADVICE TO THE FATHERS OF THE CHURCH TO ABOLISH POLYGAMY, BY A NEW REVELATION, IN EXCHANGE FOR A STATE. THE COLFAX CLOSET VIEWS. ADIEU TO THE MORMON ZION. DEATH OF GOVERNOR DOTY. A TALK ON POLYGAMY WITH THE CHAIRMAN ON TERRITORIES.

Next day Speaker Colfax, Gov. Bross, Messrs. Bowles and Richardson, accompanied by the city council and some of the leading merchants, drove over to the Great Salt Lake. "We have" wrote Mr. Bowles, "been taken on an excursion to the Great Salt Lake, bathed in its wonderful waters, on which you float like a cork, sailed on its surface, and picknicked by its shore,—if picnic can be without women for sentiment and to spread table cloth, and to be helped up and over rocks. Can you New Englanders fancy a stag picnic? We have been turned loose in the big strawberry patch of one of the Saints, and we have had a peep into a moderate Mormon harem, but being introduced to two different women of the same name, one after another, was more than I could stand without blushing."

But the meeting of President Brigham Young and Speaker Colfax and party was the crowning circumstance of the visit.

The Speaker of the House stood upon his dignity. Esteeming himself a chief representative of the nation, he did not think it becoming his national importance to first call on Brigham Young. This was expressed, and President Young was fully informed of the mountain of etiquette that burdened the spirit of the honorable Speaker. There could be no doubt that he wished to see the Prophet. To have gone away without seeing him would have taken away half the relish of the visit. So Brigham (who was matchless when he undertook to play the character of simple native greatness) humored him, and went down from his "Lion House," in company with several apostles and leading men of the city, to call upon the nation in the person of Mr. Colfax. The circumstance is told by Mr. Bowles, but with an evident effort to poise the Speaker of the House well as the principal figure in his meeting with the Mormon Moses.

"In Mormon etiquette," he wrote, "President Brigham Young is called upon; by Washington fashion the Speaker is called upon, and does not call; there was a question whether the distinguished resident and the distinguished visitor would meet; Mr. Colfax, as was meet under the situation of affairs here, made a point upon it, and gave notice he should not call; whereupon President Brigham yielded the question and graciously came to-day with a crowd of high dignitaries of the church, and made, not one of Emerson's prescribed ten minute calls, but a gen-

erous, pleasant, gossipping sitting of two hours long. He is a very hale and hearty looking man, young for sixty-four, with a light grey eye, cold and uncertain, a mouth and chin betraying a great and determined will—handsome perhaps as to presence and features, but repellent in atmosphere and without magnetism. In conversation he is cool and quiet in manner but suggestive in expression; has strong and original ideas, but uses bad grammar. He was rather formal, but courteous, and at the last affected frankness and freedom, if he felt it not. To his followers, I observed he was master of that profound art of eastern politicians, which consists in putting the arm affectionately around them and tenderly enquiring for health of selves and families; and when his eye did sparkle and his lips soften, it was with most cheering, though not warming effect—it was pleasant but did not melt you."

There were present at this interview, Speaker Colfax, Governor Bross, and Messrs Richardson and Bowles—the party of distinguished visitors;—Presidents Brigham Young and Heber C. Kimball, Apostles John Taylor, Wilford Woodruff, George A. Smith, F. D. Richards, George Q. Cannon, Hons. John F. Kinney, J. M. Bernhisel, Wm. H. Hooper, Mayor Smoot, Marshal J. C. Little; Bishops Sharp and Hardy, Wm. Jennings, John W. Young, N. H. Felt, and George D. Watt, Esqrs.

The Colfax party made a trip to Rush Valley, and on their return to Salt Lake City, on Friday, June 16th, they were the guests of Hon. W. H. Hooper. Next day they visited President Young, and afterwards were the guests of Wm. Jennings, Esq., dining in company with Presidents Young and Kimball; Apostles George A. Smith and George Q. Cannon; Hons. J. F. Kinney and Wm. H. Hooper; Col. Irish, Mayor Smoot, Marshal J. C. Little, and Charles H. Hapgood, John W. Young, J. F. Tracy, H. S. Rumfield and T. B. H. Stenhouse, Esqrs. Of this dinner Mr. Bowles wrote:

"In the early years of the Territory, there was terrible suffering for want of food; many were reduced to roots of the field for sustenance; but now there appears to be an abundance of the substantial necessaries of life, and as most of the population are cultivators of the soil, all or nearly all have plenty of food. And certainly, I have never seen more generously laden tables than have been spread before us at our hotel or at private houses. A dinner to our party this evening by a leading Mormon merchant, at which President Young and the principal members of his council were present, had as rich a variety of fish, meats and vegetables, pastry and fruit, as I ever saw on any private table in the east; and the quality and the cooking and the serving were unimpeachable. All the food too was native in Utah. The wives of our host waited on us most amicably, and the entertainment was, in every way, the best illustration of the practical benefits of plurality, that has yet been presented to us.

"Later in the evening we were presented to another, and perhaps the most wonderful, illustration of the reach of social and artificial life in this far off city of the Rocky Mountains. This was the Theatre, in which a special performance was improvised in honor of Speaker Colfax. The building is itself a rare triumph of art and enterprise. No eastern city of one hundred thousand inhabitants,—remember Salt Lake City has less than twenty thousand,—possesses so fine a the-

atrical structure. It ranks, alike in capacity and elegance of structure and finish, along with the opera houses and academies of music of Boston, New York, Philadelphia, Chicago and Cincinnati. In costumes and scenery it is furnished with equal richness and variety, and the performances themselves, though by amateurs, by merchants and mechanics, by wives and daughters of citizens would have done credit to a first class professional company. There was first a fine and elaborate drama, and then a spectacular farce, in both of which were introduced some exquisite dancing, and in one some good singing also. I have rarely seen a theatrical entertainment more pleasing and satisfactory in all its details and appointments. Yet the two principal characters were by a day laborer and a carpenter; one of the leading parts was by a married daughter of Brigham Young, herself the mother of several children; and several other of his daughters took part in the ballet, which was most enchantingly rendered, and with great scenic effect. The house was full in all its parts, and the audience embraced all classes of society from the wives and daughters of President Young—a goodly array—and the families of the rich merchants, to the families of the mechanics and farmers of the city and valley, and the soldiers from camp."

Next day being Sunday, the Colfax party attended the Tabernacle to hear President Young, who had been asked by Mr. Colfax "to preach upon the distinctive Mormon doctrines."

"Brigham's preaching to-day," wrote Mr. Bowles, "was a very unsatisfactory performance. There was every incentive in him to do his best; he had an immense audience spread out under the 'bowery' to the number of five or six thousand; before him was Mr. Colfax, who asked him to preach upon the distinctive Mormon doctrines; around him were all his elders and bishops, in unusual numbers; and he was fresh from the exciting discussion of yesterday on the subject of polygamy." The writer continues and gives with great disgust the subject matter of Brigham's sermon, thus closing his review:

"Brigham Young may be a shrewd business man, an able organizer of labor, a bold brave person in dealing with all the practicalities of life,—he must, indeed, be all of these for we see the evidence all around this city and country; but he is in no sense an impressive or effective preacher, judging by any standard that I have been accustomed to. His audience, swollen by one or two thousand more, could not have helped drawing a sharp contrast,—dull in comprehension and fanatically devoted to him as most of them probably are,—between his speech and his style, and those of Mr. Colfax, who at a later hour this evening, delivered in the same place, by invitation of the church and city authorities, his Chicago eulogy on the Life and Principles of President Lincoln. He spoke it without notes, and with much freedom to an audience unused to so effective and eloquent a style, and more unused, we fear, to such sentiments; and he received rapt attention and apparently delighted approval throughout the whole."

But, if the Colfax party was greatly disgusted with Brigham's sermon of that Sabbath morning, the "unusual numbers" of "his elders and bishops around him" were as greatly amused by Brigham's signal failure. It was the talk of the following week, among some of his friends, that the President, on the Sunday, had treated Speaker Colfax and party to the worst sermon he had ever preached.

They were "glad of it," they said. "The Lord intended to read his servant Brigham a lesson." "The Lord didn't want him to show off before the Speaker of Congress." There was considerable common sense in this view of the matter which the Saints took, and though at first, perhaps, somewhat disappointed with himself probably the "Prophet Brigham" appreciated the "Lord's lesson" to him in the same spirit—glad that he had not been allowed to show off before the Speaker of the House.

Brigham Young and Schuyler Colfax were measured that day by two different standards: the one was a great colonizer, and already the founder of a hundred cities; the other the eloquent Speaker of the House of Representatives. This is the only salient point of the "sharp contrast" between Brigham's bungling sermon on Mormonism, and Colfax's magnificent "eulogy on the Life and Principles of President Lincoln."

But the chief subject of interest, of that time as well as of all times, till the peculiar and distinguishing marriage institution of the Mormons shall have been either reformed or more firmly established, was brought up between Mr. Colfax and his party, as representative of the Nation, and President Young and the apostles, as representative of the Mormon Church, in their second interview on the Saturday when Mr. Colfax and his companions called upon President Young at his office. Mr. Bowles is the most proper person to relate the conversation. He wrote:

"Mr. Colfax and his friends have also had two long interviews with Brigham Young and other leaders of the Church, in one of which the peculiar institution of the people was freely and frankly but most earnestly discussed by all.

* * * * * * *

"The conversation I have alluded to with Brigham Young and some of his elders, on this subject of polygamy, was introduced by his enquiry of Mr. Colfax what the Government and the people East proposed to do with it and them, now they had got rid of the slavery question. The Speaker replied that he had no authority to speak for the Government; but for himself, he might be permitted to make the suggestion, he had hoped the Prophets of the Church would have a new revelation on the subject, which should put a stop to the practice. He added, further, he hoped that, as the people of Missouri and Maryland, without waiting for the action of the general government against slavery, themselves believing it to be wrong and an impediment to their prosperity, had taken measures to abolish it, so he hoped the people of the Mormon Church would see that polygamy was a hindrance and not a help, and move for its abandonment. Mr. Young responded quickly and frankly that he should readily welcome such a revelation; that polygamy was not in the original book of the Mormons; that it was not an essential practice in the Church, but only a privilege and a duty, under special command of God; that he knew it had been abused; that people had entered into polygamy who ought not to have done so, and against his protestation and advice. At the same time, he defended the practice as having biblical authority, and as having, within proper limits, a sound moral and philosophical reason and propriety.

"The discussion, thus opened, grew general and sharp, though very good natured. * * * *

"In the course of the discussion, Mr. Young asked, suppose polygamy is given up, will not your government then demand more,—will it not war upon the Book of the Mormons, and attack our church organization? The reply was emphatically, No, that it had no right, and could have no justification to do so, and that we had no idea there would be any disposition in that direction.

"The talk, which was said to be the freest and frankest ever known on that subject in that presence, ended pleasantly, but with the full expression, on the part of Mr. Colfax and his friends, of their hope that the polygamic question might be removed from existence, and thus all objection to the admission of Utah as a State be taken away; but that until it was, no such admission was possible, and that the government could not continue to look indifferently upon the enlargement of so offensive a practice. And not only what Mr. Young said, but his whole manner left us with the impression that, if public opinion and the government united vigorously, but at the same time discreetly, to press the question, there would be found some way to acquiesce in the demand and change the practice of the present fathers of the church."

Still more important than this conversation, as a connecting vein of history, is the exposition of the Colfax closet views and forecast of national policy concerning the Mormons and their institutions—views and policy matured while on this very visit to Salt Lake City, next quickly infused into the public mind on his return East, and finally brought into sharp administrative action, when he became Vice-President of the United States. And what is exceedingly significant is that, when this exposition and forecast of Mr. Colfax's views and national policy was sent to the American public, in Mr. Bowle's last letter from Salt Lake City to the Springfield *Republican*, the expectation was that Schuyler Colfax would be the next President of the United States—the regular "successor of Abraham Lincoln" after Andrew Johnson had filled the unexpired term. In the dedication of his "Across the Continent," to the then prospective President of the United States, Mr. Bowles said. "Besides the book is more yours than mine;" so the following from the same letter, which relates the conversation with Brigham Young on polygamy, may be read as from Mr. Colfax himself on Utah policy.

"The result of the whole experience has been to increase my appreciation of the value of their material progress and development to the nation; to evoke congratulations to them and to the country for the wealth they have created and the order, frugality, morality and industry that have been organized in this remote spot in our Continent; to excite wonder at the perfection of their Church system, the extent of its ramifications, the sweep of its influence; and to enlarge my respect for the personal sincerity and character of many of the leaders in the organization; also, and on the other hand, to deepen my disgust at their polygamy, and strengthen my convictions of its barbaric and degrading influences. They have tried it and practiced it under the most favorable circumstances, perhaps under the mildest forms possible, but now, as before, here as elsewhere, it tends to and means only the degradation of woman. By it and under it, she becomes simply the servant and serf, not the companion and equal of man; and the inevitable influence of this upon society need not be depicted.

"But I find that Mormonism is not necessarily polygamy; that the one began and existed many years without the other; that not all the Mormons accept the doctrine, and not one-fourth, perhaps not one-eighth, practice it; and that the nation and its government may oppose it and punish it without at all interfering with the existence of he Mormon Church, or justly being held as interfering with the religious liberty that is the basis of all our institutions. This distinction has not been sufficiently understood heretofore, and it has not been consistently acted upon by either the government or the public of the East. Here, by the people, who are coming in to enjoy the opportunities of the country for trade and mining, and there by our rulers at Washington and by the great public, this single issue of polygamy should be pressed home upon the Mormon Church,—discreetly and with tact, with law and with argument and appeal, but with firmness and power.

"Ultimately, of course, before the influences of emigration, civilization and our democratic habits, an organization so aristocratic and autocratic as the Mormon Church now is must modify its rule; it must compete with other sects and take its chances with them. And its most aristocratic and uncivilized incident or feature of plurality of wives must fall first and completely before contact with the rest of the world,—marshalled with mails, daily papers, railroads and telegraphs —ciphering out the fact that the men and women of the world are about equally divided, and applying to the Mormon patriarchs the democratic principle of equal and exact justice. Nothing can save this feature of Mormonism but a new flight and a more complete isolation. A kingdom in the sea, entirely its own, could only perpetuate it; and thither even, commerce and democracy would ultimately follow it. The click of the telegraph and the roll of the overland stages are its death-rattle now; the first whistle of the locomotive will sound its requiem; and the pickaxe of the miner will dig its grave. Squatter sovereignty will speedily settle the question, even if the Government continues to coquette and humor it, as it has done.

"But the Government should no longer hold a doubtful or divided position towards this great crime of the Mormon Church. Declaring clearly both its want of power and disinclination to interfere at all with the Church organization as such, or with the latter's influence over its followers, assuring and guaranteeing to it all the liberty and freedom that other religious sects hold and enjoy, the Government should still, as clearly, and distinctly, declare, by all its action, and all its representatives here, that this feature of polygamy, not properly or necessarily a part of the religion of the Mormons, is a crime by the common law of the Nation, and that any cases of its extension will be prosecuted and punished as such. Now half or two-thirds the Federal officers in the Territory are polygamists; and others bear no testimony against it. These should give way to men who, otherwise equally Mormons it may be, still are neither polygamists nor believers in the practice of polygamy. No employees or contractors of the Government should be polygamists in theory or practice.

"Here the Government should take its stand, calmly, quietly, but firmly, giving its moral support and countenance, and its physical support if necessary to the large class of Mormons who are not polygamists, to missionaries and preachers of all other sects, who choose to come here, and erect their standards

and invite followers; and to that growing public opinion, here and elsewhere, which is accumulating its inexorable force against an institution which has not inaptly been termed a twin barbarism with slavery. There is no need and no danger of physical conflict growing up; only a hot and unwise zeal and impatience on the part of the Government representatives, and in the command of the troops stationed here, could precipitate that. The probability is, that, upon such a demonstration by the Government, as I have suggested, the leaders of the Church would receive new light on the subject themselves, perhaps have a fresh revelation, and abandon the objectionable feature in their polity. No matter if they did not—it would soon, under the influences now rapidly aggregating, and thus reinforced by the Government, abandon them.

"In this way, all violent conflict would, I believe, be successfully avoided; and all this valuable population and its industries and wealth may be retained in place and to the Nation, without waste. Let them continue to be Mormons, if they choose, so long as they are not polygamists. They may be ignorant and fanatical, and imposed upon and swindled even by their church leaders; but they are industrious, thriving, and more comfortable than, on an average, they have ever been before in the homes from which they came hither; and there is no law against fanaticism and bigotry and religious charlatanry. All these evils of religious benightment are not original in Utah, and they will work out their own cure here as they have elsewhere in our land. We must have patience with the present, and possibly forgiveness for supposed crimes in the past by their leaders, because we have heretofore failed to meet the issues promptly and clearly and have shared, by our consent and protection to their authors, in the alleged wrongs."

In closing his letters from Salt Lake City Mr. Bowles gives a very notable adieu to our city:

"But adieu to Salt Lake and many-wive-and-much-children-dom; its strawberries and roses; its rare hospitality; its white crowned peaks; its wide spread valley; its river of scriptural name; its lake of briniest taste. I have met much to admire, many to respect, worshipped deep before its nature,—found only one thing to condemn. I shall want to come again when the railroad can bring me and that blot is gone."

During the visit of the Colfax party to our city, Governor James Duane Doty died, whereupon the following order was issued by the city authorities:

"MAYOR'S OFFICE, GREAT SALT LAKE CITY,
June 14th, 1865.

"Whereas, intelligence has reached me of the sudden death of Governor James Duane Doty, who departed this life on the 13th inst., at 4 o'clock,

"Therefore, in token of respect for the dead, I do hereby request that all secular business in the city be suspended; that all business houses be closed, and that the flags be draped at half-mast until after the funeral ceremonies.

By order of
A. O. SMOOT, *Mayor*.

J. C. LITTLE, *Marshal*.

On Thursday morning, June 15th. at ten o'clock, the citizens assembled in large numbers around the residence of the late governor of Utah, and punctually the ostentatious funeral service was performed by the Rev. Norman McLeod before the corpse left the house. The coffin was carried to the hearse by the Hon. Schuyler Colfax, Governor Bross, Chief Justice Titus, Associate Justice Drake, Superintendent Irish, and U. S. Marshal Gibbs. The carriages of the citizens and families of the military command formed in a long procession, and moved northward, thence east by South Temple Street, preceded by the Provost Guard and the military band to the cemetery at Camp Douglass. "All business was suspended in the city, the flags at half-mast were draped in crape, drooping in the air, while the unusual sombre clouds lent a sadness to the scene that faithfully depicted the heart-felt sadness of the people."

About two weeks later the Honorable Jas. M. Ashley of Ohio, then chairman of the Committee on Territories, visited Salt Lake City. President Brigham Young met the gentleman frankly, and in the parlor of Delegate Hooper there was a free conversation upon the probable future relations between the Government and the Mormons. The first question from Brigham was: Well, Mr. Ashley, are you, also, going to recommend us to get a new revelation to abolish polygamy, or what are you going to do with us? * * * * * *

"Now, Mr. President, I don't know what we can do with you. Your situation reminds me of an experience of Tom Corwin. In the days of Tom's poverty, somewhere in Ohio, he thought he would hang out a lawyer's shingle and catch a share of business. One day a smart fellow solicited his legal services; he wanted Tom to defend him, and proposed to give him a fee of fifty dollars. That was a big sum to Tom then; but when he heard the situation of his client he stated that he was under professional obligations to say he could be of no service to him. The client insisted that Tom should make a speech in court, and that was all he wanted. The case came on: the evidence was clear, witnesses had seen the prisoner steal some hams, carry them to a house, and there the hams were found in the client's possession. It was a clear case of theft, the evidence was incontestible, and the prosecutor thought it needless to address the jury. The defendant, however, insisted that Tom should make his speech. A brilliant effort was made, the jury retired, and in a few minutes returned with a verdict of 'not guilty.' The judge, the prosecutor and Tom were perfectly confounded. They glanced at each other a look of inquiry. Nothing more could be done, and the prisoner was discharged. As they retired from the court the lawyer said to the thief: 'Now old fellow, I want you to tell me how that was done!' 'Your speech did it,' was the reply. 'No, it didn't and I want to know how *you* did it?' 'Well, if you will not speak of it till I get out of the State, I shall tell you.' Tom accorded to this, and in perfect confidence his client whispered: 'Well, *eleven of the jurors had some of the ham.*'"

Brigham roared and laughed. It was Mr. Ashley's pleasant insinuation that with a Mormon jury the institution was perfectly secure. The story is told by T. B. H. Stenhouse who was present at the interview between the Mormon President and the chairman of the Committee on Territories.

## CHAPTER XL.

BEGINNING OF THE ANTI-MORMON CRUSADE. THE CHANGE IN THE COLFAX VIEWS. INITIAL OF THE ACTION AGAINST THE UTAH MILITIA. URGING THE ADMINISTRATION. CORRECTED VIEWS CONCERNING THE MILITIA.

Out of this Colfax visit to Salt Lake City directly grew what the Mormons call the crusades against their religion, or as Chief Justice James B. McKean described it, the prosecution of "Polygamic Theocracy." It began immediately on the return of the Colfax party from their tour of investigation of the Great West, first in the agitation of the public mind by the speeches and expositions of Speaker Colfax relative to the Pacific States and Territories, in which polygamic Utah came in constantly for a sharp and special treatment. Until this Colfax movement commenced to stir up the Nation upon Utah affairs, there had been no "crusade" of the Government and Congress against Mormon polygamy. In the causes presented to Congress by the Buchanan administration, for the sending out of the Utah Expedition, polygamy was not even named. General Winfield Scott, in issuing his orders to General W. S. Harney, named the specific cause: —"The community and, in part, the civil government of Utah Territory are in a state of substantial rebellion against the laws and authority of the United States." Neither had the action of the Government against polygamy entered into the early differences between the Gentile part of the Federal officers and the Mormon community, though Judge Brocchus did offensively rebuke in their public assembly, the community relative to their polygamic institutions. It was not until the Grant-Colfax administration that Government took any action at all against Utah, touching polygamy. It is true there had been the passage of the anti-polygamic law by Congress in 1862; but it was generally understood to be inoperative and as a dead letter on our statute books. Indeed the Senators from California—Latham and McDougall—voted against the passage of the bill,—McDougall opposing it in a speech in which he said, "I do not think the measure at this time is well advised. *It is understood its provisions will be a dead letter on our statute book.* Its provisions will be either ignored or avoided. * * The impolicy of its present passage will cause my colleague and self, after consultation, to vote against the bill." And a year after the passage of that bill, though President Lincoln signed it, he sent private word, as already noted, to Ex-Governor Young concerning the Mormon polygamists with this assurance: "I will let them alone if they will let me alone."

But with the return of Speaker Colfax, from his visit of observation of the Pacific States and Territories, the plan and policy over Utah affairs was entirely changed from a dead letter to a live action, and Government itself became the prime mover against polygamic Utah, until finally it grew into an administrative and congressional "crusade" against them as a religious community. This was inspired by Mr. Colfax and sustained by President Grant with all the determina-

tion of the man who had conquered secession in the South, and finished with the sword what President Lincoln had begun in his proclamation abolishing slavery.

Brigham Young's inquiry of Mr. Colfax as to "what the Government and people of the East proposed to do with polygamy and the Mormons, now that they had got rid of the slavery question," was a most pertinent question. It was substantially the same enquiry which met Mr. Colfax everywhere on his return to the Eastern States with his expositions and policy relative to the Pacific States and Territories. All his speeches dealt with Utah consonant with the foregoing expositions of views and policy contained in Mr. Bowles' closing Salt Lake letter.

The warm genuine hospitality which Salt Lake City had extended to Mr. Colfax and his friends; the admiration expressed by all touching what the Mormons had done in these once desert places, and their value as a community to the Nation; and, above all, the free and cordial interviews and conversations which took place between the Colfax party and Brigham and his friends, seemed to promise a happy union between the general Government and the Mormon leaders, in the adjustment of the affairs in question. But, when on his return from the West, to speak with a permitted national voice of its affairs, the enquiry which Brigham Young had put came sharply from the public, "what does the Nation intend to do with the Mormons and polygamy, now it has got rid of the slavery question?" Mr Colfax was carried away from the possible adjustment, which he might at a later date have effected with the leaders of the Mormon church, when he became as Vice-President the actual dictator of the Government on Utah affairs.

In sending out his book, "Across the Continent," dedicated to Mr. Colfax, Mr. Bowles strongly marks this change which had taken place in a few months, both in the minds of the Mormon leaders and in the policies and intentions of Mr. Colfax. In his supplementary papers he wrote:

"Since our visit to Utah in June, the leaders among the Mormons have repudiated their professions of loyalty to the Government, denied any disposition to yield the issue of polygamy, and begun to preach anew, and more vigorously than ever, disrespect and defiance to the authority of the National Government. They seem to be disappointed and irate that their personal attentions and assurances to Mr. Colfax and his friends did not win for them more tolerance of their peculiar institution, and something like espousal of their desire for admission as a State of the Union. New means are taken to organize and drill the militia of the Territory and to provide them with arms, under the auspices and authority of the Mormon Church; and an open conflict with the representatives of the Government is apparently braved, even threatened.

"Much of this demonstration is probably mere bravado; means to arouse the ignorant people, excite them against the Government, make them still more the fanatical followers of the Church leaders, and also to intimidate the public authorities, and induce them to continue the same let-alone and indulgent policy that has been the rule at Washington for so long. The Government always seems to have demonstrated just enough against the Mormons to irritate them and keep them compact and prepared to resist it, but never enough to make them really afraid, or to force them into any submissive steps. The bristling attitude of the Saints has ever had the apparent effect to qualify the Government purpose, and

make it stop short in its proceeding to enforce the laws and National authority. It is no wonder, therefore, that they repeat their frantic and fanatic appeals to their people, and their defiance to the Government, and grow more and more bold in them. They find that it works better than professions of loyalty and half-way offers of submission, one bad effect of which, for their own cause, is of course to demoralize their followers, and weaken their own authority over them.

"There is no evidence yet of any change in the policy of the executive authorities at Washington. While the new Federal Governor of the Territory, Mr. Durkee from Wisconsin, the Federal judges, and the superintendent of Indian affairs are both anti-Mormons and anti-polygamists, all or nearly all the other Federal officers in the Territory are both leading Mormons and practical polygamists—the postmasters, collectors of internal revenue, etc. The postmaster of Salt Lake City is one of Brigham Young's creatures, and editor of the Mormon daily paper there. The returns of internal revenue in the Territory are found to be, proportionately to similar populations and wealth, quite small; and there are reasons to believe that the taxes are not faithfully assessed and collected. General Conner, who has been returned to his old place, as military commander of the district of Utah alone, is assigned a force of only one thousand soldiers; though he asked for and expected to have five thousand. The lesser number remote from all possible reinforcement, is entirely inadequate to support the Governor and judges in any exercise of authority that they may dare to undertake, and that the Mormons may choose to resist. One thousand soldiers could very readily be wiped out—which is a favorite phrase of the Saints towards their enemies—by a sudden uprising of the fanatical followers of Brigham Young and his apostles.

"Excuse for such uprising is in much danger of being developed from the growing strength and impatience of the anti-Mormon elements in society at Salt Lake City, and the reckless, desperate character of some of those elements. Miners from Idaho and Montana have come into that city to winter, to spend their profits, if successful, or to pick up a precarious living, if unlucky. Many discharged soldiers also remain there or in the neighboring districts. The growing travel and commerce across the continent floats in other persons, good, bad and indifferent as to habits and self-control; other accessions to the Gentile strength and agitation are constantly being made. The merchants of that class are increasing and becoming prosperous; those who have been silent and submissive under the Mormon hierarchy, dare now to demonstrate their real feelings, under the protection of sympathy and soldiers; the Daily Union *Vedette* continues to be published as organ of the soldiers and other 'Gentiles,' and is bold and unsparing and constant in its denunciations of the Mormon church and its influences; Rev. Norman McLeod, chaplain of the soldiers, and pastor of the Congregational Society in Salt Lake City, has returned from a summer's trip to Nevada and California, with funds for building a meeting-house, and increasing zeal against the Mormons; a Gentile theatre has been established; various social organizations, in the same interest, are increasing and growing influential over the young people; General Connor himself, his fellow officers and soldiers are all bitter in their hatred of the Mormons, and eager for the opportunities to subdue them to the governmental authority; Governor Durkee seems less disposed to be tol-

erant of the Mormon control and the Mormon disrespect to federal authority, than his predecessors generally have been; and the judges, goaded like all the rest of the Gentiles, by Mormom insults and Mormon defiance, and their own incapacity, under goverment neglect, to perform their duties, more than share the common feeling of antagonism to the Church leaders.

"Thus the two parties are growing more and more antagonistic, more and more into a spirit of conflict. Thus, too, while are rapidly aggregating and operating the means by which the Mormon problem is to be solved, even without the special help or interference of Government, are also coming into life the elements and the dangers of a more serious and personal collision, in which the Mormons, from their numerical superiority, would most probably be successful and, quite likely, wreak terrible vengeance on their enemies. Of course such a result would evoke full retribution on their own head; for then people and Government would arouse, and enforce speedy and complete subjugation.

"But these threatened and dreaded results ought to be and can be avoided. The Government has now the opportunity to guide and control the operation of natural causes to the overthrow of polygamy and the submission of the Mormon aristocracy, without the shedding of blood, without the loss of a valuable population and their industries. The steps, too, are, first, a sufficient military force in the Territory to keep the peace, to protect freedom of speech, of the press, and of religious proselytism; to forbid any personal outrages on the rights of the Mormons; and to prevent any revenges by them upon the Gentiles. And, next, the supplanting of all polygamists in federal offices by men not connected with that distinctive sin and offence of the church. These steps, wisely taken, firmly administered, would rapidly give the growing anti-polygamist elements such moral power as would insure a speedy and bloodless revolution. It may not be wise or necessary, at least at the present, in view of past indulgence, to undertake to enforce the federal law against polygamy; that may be held in abeyance until the effect of such proceedings as have been indicated are fully developed. In short, I would change the government policy from the 'do-nothing' to the 'make-haste-slowly' character; I would have its influence decidedly and continuously felt in the Territory, against the crime of polygamy.

"Neglecting to do this, there is danger of anarchy and deadly conflict springing up on that arena; there is also sure prospect that the people of the country at large will, in their impatience and disgust, force upon Congress such radical measures against the Mormons, as are, in regard to our past neglect and the present opportunity of peaceful revolution, to be almost as deeply deprecated. In either event, the responsibility will rest heavily and sharply upon the President and his Cabinet, who are permitting the affairs of the Territory to drift on in the present loose and dangerous way, either ignorant of, or indifferent to, the rapidly developing social conflict there."

As regards the Utah militia Mr. Bowles, evidently, was laboring under a very prevalent mistake. It has always been represented by anti-Mormon writers, and rehearsed from time to time by the newspapers of the country, that the Utah militia was organized and kept up for the express purpose of rebellion against the United States, or, at least, to give the Mormon leaders the power to resist the

Federal rule whenever it became obnoxious to them. In other words, the militia of the Territory was looked upon as the military arm of the Mormon Church, and the nucleus of this army was supposed to be a formidable band of "Danites," known also by another name—the "Avenging Angels" of the Church. Hence the annual muster and drill of the Utah militia, taking place so soon after the Colfax visit, signified to Mr. Bowles the arming and preparing for rebellion against the Federal authority: "an open conflict with the representatives of the Government is apparently braved, even threatened." It must be confessed that this view of the militia had been established by the action of the Utah war, when Brigham Young, as governor, put the Territory under martial law, ordered a United States army back, and made bold war speeches in the Tabernacle, and that the militia had gone out under its lieutenant-general to repel invasion. But the Utah militia had been organized for no such purpose. It has been shown, in this history, that the people of Utah had not been making any preparation to resist the expedition, nor had they expected any conflict with the Government, until the news burst upon them like a bombshell, while they were celebrating the tenth anniversary of their pioneer day, that an army was on the way to destroy them as a community. Then everywhere throughout the Territory the citizens arose spontaneously, not so much as a militia, but rather as a community to defend their church, their homes, their lives and their liberties, and to protect their wives and children; for it will be remembered that they expected nothing less than extermination from their Rocky Mountain refuges, if the Utah military expedition prevailed. But the Utah militia was organized with no contemplation of anything of this, much less with an *intent* of resistance to the Federal authority. It was organized in 1849, for the protection of the young colonies against Indian depredations, and was kept up for the same purpose. It had, up to 1865, cost the settlers many valuable lives, and millions of dollars in time and substance, and there had been occasions when nearly all the able-bodied men in the settlements, both North and South were, half the year round, either under arms on guard at home, or away on Indian expeditions protecting distant settlements. Indeed, the often and continued Indian wars form no inconsiderable portion of Utah's history, and Salt Lake City, being the headquarters, was always conspicuous in the military action and display, especially during the annual muster and review of the troops "over Jordan," when President D. H. Wells figured as lieutenant-general, and apostles and bishops as major-generals, brigadier-generals and colonels yet this fact by no means constituted the militia the army of the Church. Just such an occasion had come in the year 1865. It was the year of the Black Hawk war.

## CHAPTER XLI.

HISTORY OF THE UTAH MILITIA FOR THE YEARS 1865, 1866, AND 1867. THE GOVERNOR CALLS UPON CAMP DOUGLAS FOR AID AGAINST THE INDIANS, BUT IS REFUSED. THE GOVERNMENT ORDERS THE UTAH MILITIA FOR THAT SERVICE. SECRETARY RAWLINS SUBMITS THE REPORT TO CONGRESS. THE GOVERNMENT'S DEBT TO OUR CITIZENS OF OVER A MILLION DOLLARS FOR MILITARY SERVICES UNPAID.

The following State document, which is, in itself, quite a chapter of the Indian history of our Territory, gives a very different rendering of the military activity in the fall of 1865, of which Mr. Bowles wrote to the public: "New means are taken to organize and drill the militia of the Territory, and to provide them with arms, under the auspices and authority of the Mormon Church; and an open conflict with the representatives of the government is apparently braved, even threatened."

"WAR DEPARTMENT, March 25th, 1869.

"The Secretary of War has the honor to submit to the House of Representatives the accompanying communication from the adjutant-general of the Territory of Utah, inclosing a statement of the expenses incurred by the Territory in the suppression of Indian hostilities during the years 1865, 1866 and 1867.

"JNO. A. RAWLINS, *Secretary of War.*

"ADJUTANT GENERAL'S OFFICE, UTAH TERRITORY,
"Salt Lake City, Feb. 9th, 1869.

"I have the honor herewith to forward to you the accounts of expenses incurred by the Territory of Utah, in the suppression of Indian hostilities in said Territory during the years 1865, 1866 and 1867.

"The seat of this war has been chiefly in Sanpete, Sevier and Piute Counties, and it may be necessary to give a brief description of that part of the Territory to enable you to more readily understand the situation of those inhabitants, and the necessity that existed for a strong military force constantly in the field during the season of hostilities.

"San Pete Valley is one hundred and twenty miles south of this city, and extends southward some sixty miles, and is from five to fifteen miles wide, surrounded by lofty and rugged mountains, from which streams of water flow down into the valley at intervals of from six to ten miles. On these streams and near the base of the mountains, the settlements and towns are mostly located. There are in this valley, which was first settled in 1849, nine large and, until the war, flourishing settlements, viz: Fountain Green, Moroni, Coalville, Fairview, Mount Pleasant, Springtown, Fort Ephraim, Manti, and Fort Gunnison, each with a population of from five hundred to two thousand inhabitants. The San Pete River runs through the valley from north to south, and empties into the Sevier river be-

low Fort Gunnison. Near this point Sevier County joins San Pete and extends directly south some sixty miles up the Sevier Valley. In Sevier County there was, when the war commenced, four thriving settlements, viz: Salina, Glenwood, Richfield and Alma, with a population of about fifteen hundred. Piute County lies directly south of Sevier. In these, as in San Pete County, the settlements are located on the streams near the base of the mountains, which are high and very rugged.

The war commenced on the tenth day of April, 1865, when a band of San Pete Utes, led by Black Hawk, killed Peter Ludwicksen near Manti, San Pete County, and on the following day, Barney Ward and Mr. Lambson, near Salina, Sevier County, and drove off a large herd of stock up the adjoining canyon. A company of cavelry was immediately mustered into service, gave them chase, and when about ten miles up the canyon received a deadly fire from the Indians from behind the rocks in an almost impregnable position. From the high and rugged mountains on both sides they could not be flanked. Two of our men were instantly killed and two wounded, and the company was obliged to fall back, until on the arrival of additional forces they again started in pursuit, and traveling one hundred miles over an extremely rugged country, overtook them near Fish Lake, gave them battle, killing and wounding several of the Indians, but the stock had been driven on toward the Elk mountains and could not be recovered. The war had now commenced, and all overtures of peace were peremptorily refused by the Indians. His Excellency J. D. Doty, then governor of the Territory, and Colonel O. H. Irish, then superintendent of Indian Affairs, were applied to for aid. The superintendent requested the military authorities at Camp Douglas, in this city, to send a sufficient force to protect the settlers and to arrest the offending Indians. This was declined. See annual report of O. H. Irish, superintendent of Indian Affairs, Utah Territory, September 9th, 1865, to the Commissioner of Indian Affairs, Washington, D. C., published in the 'Report of the Secretary of the Interior,' 1865-66, page 314, of which the following is an extract:

"'During the past year the Indians have been peaceful, with the exception of the difficulties with a band of outlaws in San Pete Valley, mentioned in my letter of the 28th of April last. At that time I requested the military authorities to send a sufficient force to protect the settlers and to arrest the offending Indians. This was refused, and the settlers were left to take care of themselves. They organized a force of about eighty men and drove the Indians back to Grand River, killing about one-third of the number of those who were engaged in committing the depredations.

"O. H. IRISH, *Superintendent, etc.*,

"May 26th.—The Indians killed John Given, wife and four children, near Thistle Valley, San Pete County, and Mr. Neilson, near North Bend, in the same county, and on the 29th, David M. Jones, near the same settlement, and drove off a large herd of horses and cattle. In consequence of these renewed outrages other companies of cavalry were mustered into service, and the stock in these counties, which had up to that time ranged in the valleys and sides of the mountains, were gathered up and herded in the vicinity of the settlements by the inhabitants.

"Notwithstanding every precaution and effort made by the militia and the settlers, in consequence of the rugged nature of the country and the situation of the settlements, it was impossible to prevent the enemy making an occasional raid on the settlements or some herd of stock, as they would come down from the mountains in force and return in an hour to an almost impregnable position in the canyon, or some previously unknown mountain pass.

"For the better protection of the settlements, all of the able-bodied men in those counties were mustered into service as home guards, and performed duty in this capacity, but no returns for this service are included in these accounts.

"The war continued, the Indians gaining accessions to their ranks, and having, during the summer, massacred between thirty and forty men, women and children. The last raid in 1865, was on Fort Ephraim, San Pete County, in the month of October, when five men and two women were killed, and two men wounded, and two hundred head of stock taken. Many battles were fought during the summer and some forty of Black Hawk's warriors killed.

"On the approach of winter the Indians withdrew to the Colorado River, living on the plunder of the past summer, their successes having furnished them with horses to mount all who would join their ranks, and plenty of beef to feed them—strong inducements to Indians.

"Nothing reliable was heard of the enemy for some time, but it was rumored that they were daily increasing in numbers and making preparations for another campaign so soon as the melting snow in the mountains would permit.

"Early in the month of February, 1866, their intentions were defined by making a raid on a small settlement in Kane County, Southern Utah, killing Dr. Whitmore and a young man by the name of McIntyre, and driving off a large flock of sheep, some horses and cattle; and in a few days making another raid on Berryville, in the same county, killing two men and one woman, and taking some horses and cattle; and as the snow disappeared from the mountains north, so they continued to advance on the settlements in force, having been joined by a number of the Navajoes and a band of Elk Mountain Utes. The war, which at its commencement, looked small, began to assume alarming proportions, and, as the settlers had to rely on the militia of the Territory, Lieutenant-General Daniel H. Wells ordered all the able-bodied men that could be spared from San Pete, Sevier and Piute Counties to be immediately mustered into service as cavalry and infantry, and organized for defence. Before the organization was completely effected, another raid was made upon Marysvale, Piute County, April 2d; two men were killed and a band of horses captured. Their next raid was on Salina, Sevier County, April 20th. Here two men were killed, and two hundred head of cattle and horses taken. See letters of Colonel F. H. Head, Superintendent of Indian Affairs, Utah Territory, to the Commissioners of Indian Affairs, Washington, D. C., published in 'Indian Affairs, 1866,' on pages 128, 130, of which the following is extracted:

"'UTAH SUPERINTENDENCY,

"'GREAT SALT LAKE CITY, April 30, 1866

"'SIR: Black Hawk, a somewhat prominent chief of the Ute Indians, has been engaged for more than a year past in active hostilities against the settlements

in the southern portion of this Territory. His band consisted at first of but forty-four men, who were mostly outlaws and desperate characters from his own and other tribes. During the summer and autumn of 1865 he made several successful forays upon the weak and unprotected settlements in San Pete and Sevier Counties, killing in all thirty-two whites, and drove away to the mountains upward of two thousand cattle and horses.

"'Forty of his warriors were killed by the settlers in repelling his different attacks. His success in stealing, however, enabled him to feed abundantly and mount all Indians who joined him, and the prestige acquired by his raids was such that his numbers were constantly on the increase, despite his occasional losses of men. He spent the winter near where the Grand and Green Rivers unite to form the Colorado. On the 20th instant he again commenced his depredations by making an attack upon Salina, Sevier County. He succeeded in driving to the mountains about two hundred cattle, killing two men who were guarding them, and compelling the abandonment of the settlement.

"'His band, from what I consider entirely reliable information, now numbers about one hundred warriors, one-half of whom are Navajoes from New Mexico.

"'In view of these circumstances, and for the purpose of preventing accessions to the ranks of the hostile Indians, I have, after consultation with Governor Durkee, desired Colonel Potter, commanding the United States troops in this district, to send two or three companies of soldiers to that portion of the Territory to protect the settlements and repel further attacks. Colonel Potter has telegraphed to General Dodge for instructions in reference to my application. I should be much pleased to have an expression of your views as to the policy to be pursued in this matter.

"'Very respectfully, your most obedient servant,

"'F. H. HEAD, *Superintendent.*

"'*Hon. D. N. Cooley,*

"'*Commissioner of Indian Affairs, Washington, D. C.*,

"And under date of 21st June, in a similar communication, he states (see page 130 of said published report):

"'I advised you in my communication of the 30th April that I had applied to the military authorities to send two or three companies of troops to protect the settlers in those portions of the Territory most exposed to Indian raids, and that Colonel Potter, commanding at this point, had telegraphed for instructions. A copy of the response to such cammunication is herewith enclosed.

"'The morning of my departure (from Uintah) I was informed by Tabby, the head chief, that when he received notice of my arrival in the valley, himself and all his warriors were on their way to join the hostile Indians in the southern portion of the Territory, in their war upon the settlements. He also informed me that Black Hawk, having secured a number of recruits among the Elk Mountain Utes to swell his force to three hundred warriors, was then setting out from the Elk Mountain country to attack the weaker settlements in San Pete County.

"'On reaching this city on my return from Uintah, I communicated the facts

in my possession relative to Black Hawk, to Governor Durkee. General Wells, one of the principal militia officers, after consulting with the Governor, has raised two or three companies of militia, and proceeded to the threatened locality to protect the settlers from the expected attack.

"'F. H. HEAD, *Superintendent.*'

"'FORT LEAVENWORTH, KANSAS, May 2d, 1866.

"'General Pope telegraphs that the superintendent of Indian affairs will have to depend for the present on the militia to compel the Indians to behave at Salina.

"'By command of MAJOR-GENERAL DODGE.

"'SAMUEL C. MACKEY,

"'*Acting Assistant Adjutant-General,*

"'*Col. Carroll H. Potter,*

"'*Commanding District of Utah.*'

"Accordingly, steps were immediately taken to place all the settlements south and east of Salt Lake City in a better state of defence, and troops were mustered into service from Salt Lake and other counties, and despatched to the scenes of hostilities. The weaker settlements in Summit, Wasatch, San Pete, Sevier, Piute, Beaver, Iron, Kane, and Washington, were abandoned and removed to the stronger. Substantial forts were built, and all the stock in the above named counties was gathered up and guarded. Overtures of peace were made by the settlers whenever opportunity offered, but were defiantly refused by the Indians; and on the 11th day of June, Lieutenant-General D. H. Wells started from Salt Lake City, and on the 14th arrived at Fort Gunnison, San Pete County, and took command in person, remaining in San Pete, Sevier and Piute Counties three months. Notwithstanding every precaution, and the energy and faithfulness of the militia troops in service, such was the extent and mountainous character of the country, that the enemy, lying secreted, would occasionally succeed in making a dash on some weak point and capturing a herd of stock. Thus it continued through the summer, while all that part of the Territory for three hundred miles in extent was paralyzed, but more particularly was it the case in San Pete, Sevier and Piute Counties. No improvements were made. The saw mills in the canyons were silent; and in many cases were burnt up or otherwise destroyed by the Indians. Very little grain was raised in consequence of the number of men in the service in those counties. During the summer about twenty persons were massacred, and a very large amount of stock was taken, and many flourishing settlements were broken up and abandoned. Several skirmishes occurred through the summer, in which between thirty and forty of the Indians were killed and wounded.

"The Indians again drawing off for winter quarters, on the first day of November the last of the militia troops were mustered out.

"Peace again reigned for a short time. The mountains and passes were again blockaded with snow, and the inhabitants had a short interval to prepare for winter.

"Nothing of importance was heard from the Indians until early in January, 1867, when they commenced the war for another year by making a raid on Pine Valley, Washington County, the extreme southern part of the Territory, capturing a band of horses. Captain Andrews, with a company of cavalry, followed

them, recovered most of the horses and killed seven Indians. All was quiet again till March, when another raid was made on Richfield, Sevier County. Here they killed one man, one woman, and a girl fourteen years of age. The the killing of the females was accompanied with great atrocity. Reliable information was received that they were still determined on war, and troops were again mustered into service in San Pete, Sevier and Piute Counties, also one company of cavalry and one of infantry in Salt Lake and Utah Counties. With the aid of these two companies, in addition to the forces raised in these three counties, further depredations were prevented until the 2nd of June, when Major Vance and Sergeant Houtz were waylaid and killed at Twelve Mile Creek, San Pete County; and on the 12th, they made a raid on Beaver, Beaver County capturing a large herd of stock. This county is west of Piute County.

"August 14th, they made a raid on Springtown, San Pete County, killing two men, wounding another, and capturing a band of horses. Colonel R. N. Allred, with a company of cavalry chased and gave them battle, recovering some of the horses.

"September 18th, another raid was made on Beaver, Beaver County, and two hundred head of horses and cattle were taken.

"This was the last raid of the season, as, through the activity of the militia troops, the depredations were less frequent and not so extensive as previously.

"Great praise is accorded to the superintendent of Indian affairs, Colonel F. H. Head, for his untiring exertions with the Indians to promote peace. He finally succeeded in obtaining an interview with Black Hawk, and obtained his promise that he would refrain from further depredations on the whites, and that he would use his influence to have the war entirely stopped. He expressed a fear, however, that some of the outlaws would continue depredations, which has been the case, as several raids have been made since this interview, but it is generally believed that Black Hawk has kept his promise.

"In the spring of 1868, these renegades attacked a company of whites while camped on the Sevier River, killed two men and wounded one. During the summer they made several raids on stock in San Pete Valley; and in November attacked a party of emigrants in southern Utah, and took a large band of horses and mules. Some active service was performed during the summer and autumn of 1868, but as the returns have not been received at this office, they are not included in the accompanying accounts, which amount in the aggregate, for the three years, 1865, 1866, and 1867, as per recapitulation sheet herewith forwarded, to the sum of one million one hundred and twenty-one thousand and thirty-seven dollars and thirty-eight cents ($1,121,037.38).

"In conclusion, I beg leave to respectfully refer you to a memorial of the Legislature of this Territory, approved by his Excellency Charles Durkee, Governor, of which the following is a copy:

"'MEMORIAL TO CONGRESS PRAYING FOR AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE LATE INDIAN WAR IN UTAH TERRITORY.

"'*To the Honorable the Senate and House of Representatives of the United States in Congress assembled.*

"'GENTLEMEN:—Your memorialists, the Governor and Legislative Assembly

of the Territory of Utah, would most respectfully represent to your Honorable Body that, for the last three years, we have had a vexatious Indian war on our hands, the seat of which has been in Sevier, Piute, and San Pete Counties, extending more or less to the counties of Wasatch, Utah, Millard, Beaver, Iron, Washington and Kane, rendering a strong military force constantly necessary in the field. Colonel Irish, former Superintendent of Indian affairs, called on General Connor to protect the settlements of this Territory from Indian depredations; the General replied that if those depredations were committed upon any settlements remote from the mail line he could not do it. Colonel Head, present Superintendent of Indian affairs, called on Colonel Potter to protect the settlements of this Territory where Indian hostilities existed. Colonel Potter sent east for instructions in the case, and received answer from General Sherman that we must rely on the militia of the Territory. During this war Sevier and Piute Counties were abandoned by six extensive and flourishing settlements, it being considered impracticable to defend them there. Their removal was effected at the loss of nearly all they had, their stock and teams being mostly stolen and driven away by the Indians, and they were removed by the citizens of San Pete County. Likewise four settlements on the borders of San Pete County were broken up and removed at much expense and loss. Also fifteen settlements in Iron, Kane and Washington Counties, besides two or three small settlements in Wasatch County. In this war we have furnished our own soldiers, arms, ammunition, transportation, cavalry horses, and supplies, for the years 1865, 1866, and 1867. We have borne a heavy burden, and we ask for compensation and aid, as most of our citizens at and near the seat of this war have become greatly reduced and impoverished thereby, and likewise the other settlements that have had to remove are more or less so. We therefore ask your Honorable Body to appropriate $1,500,00, to compensate the citizens for their service, transportation and supplies in suppressing Indian hostilities in the Territory of Utah during the years before named, or so much thereof as will cover the expenses, as per vouchers and testimonies now in the adjutant-general's office, which will accompany this memorial, or follow it at an early day, and your memorialists, as in duty bound, will ever pray.

"All of which is respectfully submitted,

"Your obedient servant,

"H. B. CLAWSON,

"*Adjutant-General, Utah Territory.*

"*Hon. John M. Schofield,*

"*Secretary of War, Washington City, D. C.*"

To this State document may be supplemented, from the Adjutant-General's office, instructions and special orders issued by Lieutenant-General Wells to his commanding officers, covering the very time, of which it was charged, that the said General Wells was organizing, mustering and drilling his forces for overt acts against the Federal administration in Utah.

"HEADQUARTERS NAUVOO LEGION,

"ADJT.-GEN'L'S OFFICE, GREAT SALT LAKE CITY, May 23, 1866.

"*Major-General Robt. T. Burton:*

"DEAR BROTHER: It is considered best for you to have out a patrol guard to

watch and protect herds, and to observe the movements and indications of the Indians, speaking and treating them kindly, and endeavoring to influence those with whom they shall meet to be peaceable and friendly, and at the same time let them see that we are on the alert, and do not intend to let them have our stock without asking for it.

"It is believed that a few men in each settlement in your district can perform this service, and extend their patrols and observations up into the canyons, where people are working at the mills and getting out wood and timber; and to all such most likely places for Indians to secrete themselves and steal forth to make depredations upon the people and their property. Men and not boys should be entrusted to take charge of herds, and should go armed and prepared to defend themselves.

"It may be thought there is no danger of hostile Indians making any demonstration in your neighborhood; but the surest way to avoid it is to be prepared to meet it, and not give them a chance.

"Men should be posted in the night time where they can be concealed and see without being seen, and thus be able to give timely information, or afford timely relief, or assistance in the protection of life and property, and not do like some, make themselves a target for an Indian to shoot at, and stand and be killed when they ought to be shooting.

"Be vigilant in carrying the same into effect, and make full returns to this office of all services rendered, &c.

"Respectfully yours,
"D. H. WELLS."

SPECIAL ORDERS NO. 1.

"ADJUTANT-GENERAL'S OFFICE, G. S. L. CITY, April 15th, 1867.

"1st. Brigadier General Warren S. Snow is hereby temporarily relieved from the duties of his command over San Pete and Piute Military District and Brigadier-General W. B. Pace, of the Utah Military District, assigned to that duty.

"2d. General Pace will be provided with a full company of cavalry from Great Salt Lake and Utah Military Districts, fully armed and equipped, supplied and provisioned from their respective districts, except flour, meat, and forage, which will be furnished from San Pete.

"3d. Gen. Pace will repair to the scene of his duties with the troops aforesaid as soon as practicable, and locating his command at or near Gunnison, will detail working parties either to go to the canyons, labor on fords, guard stock, or parties traveling into the canyons, or elsewhere, and to aid and assist the people exposed to the inroads and depredations of the Indians, in defending themselves against hostile demonstrations of the foe. He will also lose no time in organizing the forces herein placed under his command as will, in the most efficient manner, render such aid and assistance as is or may become necessary and proper to secure and protect those settlements from depredations from the Indians.

"4th. Gen. Pace is hereby directed to see that a strict and correct account is kept, and prompt returns made to this office of all expenses incurred, and service performed, as also any and all movements or dispositions made of all the forces

placed under his command, and in all things exercise that just discretion and efficiency which should characterize an energetic and yet prudent and careful commander.

"D. H. WELLS,
"*Lieut.-General, Commanding Nauvoo Legion.*"

SPECIAL ORDERS NO. 2.

"ADJUTANT-GENERAL'S OFEICE,
"G. S. L. CITY, April 15th, 1867.

"1st. Major-General Robert T. Burton, of the Great Salt Lake Military District will raise three platoons of cavalry from his command for the San Pete expedition, and have them properly officered and organized, and in readiness to march on Monday next, the 22d instant, with arms, ammunition, accoutrements, and supplies for six months, except flour, meat and forage, which will be provided elsewhere.

"2d. Men must be selected, and not boys allowed to go as substitutes, and must be furnished with suitable transporation, and tools for working parties, which will be detailed from the command to assist in the construction of forts, etc., as well as to assist in defending the people against Indian depredations.

"3d. The troops thus organized and provided will rendezvous at Provo, Utah Military District, and report to Brigadier-General Wm. B. Pace, who is assigned to take the command of the San Pete and Piute Military Districts, and they will act under his direction.

"4th. The horses must be provided with ropes for tying up and hobbles, and a few pack saddles should also be furnished in case of wanting to make a sudden excursion after Indians.

"5th. General Burton is at liberty to assign a captain or an adjutant as he and General Pace shall agree upon, as it would be proper for one or the other to go from his command with this detachment.

DANIEL H. WELLS,
*Lieutenant-General Commanding Nauvoo Legion.*

TO GOVENOR DURKEE.

ADJUTANT-GENERAL'S OFFICE, GREAT SALT LAKE CITY, Dec. 31st, 1867.

"*To His Excellency Charles Durkee, Governor of Utah Territory.*

DEAR SIR: I take pleasure in forwarding to your Excellency the accompanying abstract return of the Nauvoo Legion, the militia of our Territory, made out from the latest reports that have been received from each district, and showing the aggregate number of the militia so far enrolled, with their individual arms, ammunition and equipments. They number twelve thousand and twenty-four (12,024), including cavalry, artillery and infantry, would doubtless be largely increased by a full enrollment of all persons liable to military duty, unusually seen in attendance at our general musters.

"The apparent difficulty of obtaining fire arms among the infantry arises chiefly from the annual emigrations of many poor persons, who are destitute of weapons on their arrival.

"As your Excellency is aware, our settlers have now had a three years' war

with Utah Indians, during which a very large amount of stock has been driven off from our settlements, and *seventy* of our citizens killed and wounded by them. It has also involved a great loss of their property in breaking up the settlements throughout Sevier, Piute, Kane and parts of San Pete and other counties. During this time various detachments of troops have been sent from the more densely settled districts to the settlements more immediately in the scene of actual Indian hostilities, to assist in repressing the Indians, defending the settlers, and guarding against their sudden attacks.

"A small portion of the outlay for these expenditures has been paid out of the Territorial funds, but it is believed that an appropriation should be made by the General Government to reimburse the Territory, and defray all expenses, accounts of which are in preparation accordingly against the General Government.

"Without reliable information of their intentions, it is hoped and believed that the Indians are now more peaceably inclined, and trust that the ensuing spring and summer may not open up as they have the last three years with an Indian war upon our hands.

"With much respect,

"H. B. CLAWSON,

"*Adjutant-General Nauvoo Legion, the Militia of Utah Territory.*"

ACCOUNTS SENT TO HON. W. H. HOOPER, M. C.

"ADJUTANT GENERAL'S OFFICE,

"SALT LAKE CITY, Feb 10, 1869.

"*Hon. W. H. Hooper, M. C., Washington City, D. C.*

"DEAR SIR: By to-day's express I forward to your address the accounts of expenses incurred by the Territory of Utah in the suppression of Indian hostilities in said Territory during the years 1865-6-7, amounting to the sum of one million, one hundred and twenty-one thousand and thirty-seven dollars and thirty-eight cents ($1,121,037.38); also a communication from myself to the Hon. John M. Schofield, Secretary of War, to accompany said accounts. By reference to that communication you will perceive that a large amount of service was rendered by the male inhabitants of the localities of the war, as home guards, for which no charge is made; nothing but active service being included in those accounts, it having been our constant effort to keep the expenses as light as possible, and it is believed here that an equal amount of service by almost any other people would have been quadrupled in cost. These accounts will now be in your hands, and it is believed that the government, at an early day, through the wisdom of your efforts, will fully reimburse to the Territory of Utah the amounts of those expenses.

"Very truly yours,

"H. B. CALWSON,

"*Adjutant-General, Utah Territory.*

The report of the adjutant-general of the Utah militia, to the Secretary of War, was accompanied by the following voucher:

"EXECUTIVE OFFICE, UTAH TERRITORY,

SALT LAKE CITY, January 9, 1869.

"I, Charles Durkee, Governor of Utah Territory, do hereby certify that the

military service rendered by the militia of this Territory, comprised in the foregoing accounts, was absolutely necessary, and was therefore sanctioned and authorized by me at the times specified, and that the accounts are just.

"CHARLES DURKEE, *Governor.*"

This is the same governor—of whom Mr. Bowles wrote, "Governor Durkee seems less disposed to be tolerant of Mormon control and the Mormon disrepect to federal authority than his predecessors generally have been,"—who certifies to the General Government that he had "sanctioned and authorized" the service of the Utah militia as "absolutely necessary," and that "the accounts are just." But this debt of one million, one hundred and twenty-one thousand and thirty-seven dollars and thirty-eight cents, owed by the Government to the citizens of Utah, to this day remains unpaid.

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## CHAPTER XLII.

WADE'S BILL. CONTEMPLATED RECONSTRUCTION OF THE MILITIA. ABSOLUTE POWER IN CIVIL AND MILITARY AFFAIRS TO BE GIVEN THE GOVERNOR. THE MORMON CHURCH TO BE DISQUALIFIED FROM OFFICIATING IN MARRIAGE CEREMONIES. ACKNOWLEDGEMENT OF PLURAL MARRIAGE SUFFICIENT PROOF OF "UNLAWFUL COHABITATION." AIMS ON THE CHURCH PROPERTY AND TREASURY. THE TRUSTEE-IN-TRUST TO BE UNDER THE GOVERNOR'S THUMB.

Notwithstanding the Utah Militia was employed in the service of the Government in the years 1865, 1866, and 1867, protecting the country against the Indians; notwithstanding, as it turned out, this service was performed at their own cost, the impression had been established in the public mind that it was a standing army of rebellion, and that it ought to be broken up by the strong military arm of the Government, should Congress find itself inadequate to the task. Indeed, from the year 1866 to the year 1870, there was fast working up in the United States a movement against the Mormon power, very much as it had been before the Utah War, when the two great political parties laid Utah upon the altar to appease a common hate of Mormondom, and then worked up the "war of rebellion" between themselves.

The first exposition of the resolution to put down "Mormon Utah" and supplant it with a "Gentile Utah," presented to Congress during the work of re-constructing the South, was the bill of Senator Ben. Wade. In the Senate of the United States, June 30, 1866, Senator Wade asked, and by unanimous consent obtained leave to bring in his bill, which was read twice, referred to the Committee on Territories, and ordered printed; and on the 12th of July, 1866, the bill was reported by Mr. Wade with amendments. Although this bill did not pass,

nearly all its aims have since become operative in subsequent bills; in the Government direction of Utah affairs; in the disbanding of the militia; in the jurisdiction and decisions of the courts; in the Utah Commission; in a half-supplanted Legislature and the controlling power of the Governor, both in civil and military affairs. Indeed the salient points of the Wade bill may be reviewed as very like the face of the history of Utah from that date to the present. First take,

"SEC. 10. *And be it enacted, that there shall be in the militia of said Territory no officer of higher rank or grade than that of major-general, and all officers, civil and military, shall be selected, appointed and commissioned by the Governor; and every person who shall act or attempt to act as an officer, either civil or military, without being first commissioned by the Governor, and qualified by taking the proper oath, shall be guilty of misdemeanor, and upon conviction thereof, shall be subject to a fine not exceeding one thousand dollars and imprisoned in the Penitentiary not exceeding one year, or both such fine and imprisonment at the discretion of the court.*

"SEC. 11. And be it further enacted, That the militia of said Territory shall be organized and disciplined in such manner and at such times as the Governor of said Territory shall direct. And all the officers thereof shall be appointed and commissioned by the Governor. As commander-in-chief the Governor shall make rules and regulations for the enrolling and mustering of the militia, and he shall yearly, between the first and last days of October, report to the Secretary of War the number of men enrolled and their condition, the state of discipline, and the number and description of arms belonging to each company, division, or organized body. Aliens shall not be enrolled and mustered into the militia."

"SEC. 22. And be it further enacted, That all commissions and appointments, both civil and military, heretofore made or issued, or which may be made or issued before the 1st day of January, eighteen hundred and sixty-seven, shall cease and determine on that day, and shall have no effect or validity thereafter."

In this bill there is no intelligent aim at the purpose and existence of the Utah militia, nor any knowledge shown of its circumstantial history: all that is seen is the design of the bill itself. The first aim regarding it was to take the militia altogether out of the hands of the Territorial Legislature, and to confer powers extraordinary upon the Governor, not only as commander-in-chief, but as the *originator*, sustainer and dictator: "the militia of said Territory shall be *organized* and disciplined in such manner and at such times as the Governor of said Territory shall direct," etc. The second aim was to abolish the office of lieutenant-general. He disposed of—his office having no longer an existence, all the officers before under him would soon also pass away, their "appointments and commissions" expiring before January, 1867. Thereafter all the officers were not only to be "commissioned," but also selected and "appointed" by the Governor, and indeed the entire militia re-organized by him as the originating source, under this contemplated act of Congress. Clearly the militia of the Territory would have been practically abolished or set aside, as it afterwards was by the proclamation of Governor Shaffer, or it would have been transformed to an anti-Mormon force, to act as a *posse commitatus* for the Governor in the execution of the

designs of the bill. Even had such a design been proper for the utter suppression of the Mormon power in America, still there would have been no relation between it and the purpose of the existence of the Utah militia. The following, from the many documents of a similar nature in the adjutant-general's office, will strikingly illustrate this and be a very favorable contrast to the bills and aims in question:

REPORT OF THE BOARD OF OFFICERS.

"The militia of the Territory of Utah (under the governor as commander-in-chief) shall be commanded by a lieut.-general, and formed into an independent military body called the Nauvoo Legion, and shall be organized into platoons, companies, battalions, regiments, brigades, divisions and departments as hereinafter provided for."

The necessity for such a military body will be seen from the following documents.

In general orders No. 2, under date of January 21st, 1854, we find the following—

"Rule 4. They will preserve a good organization of their entire force, and fill up the minute companies for prompt and energetic action in accordance with general orders No. 1, of 28th Nov., 1853; and act on the defensive whenever it becomes necessary for the protection of their respective districts.

"Rule 5. It is wise in time of peace to prepare for war, although peace can as yet scarcely be said to exist.

"No time should be lost in preparing and completing the forts and defences in the various districts; as we think it is well understood that our settlements must be based on a permanent system of defense.

"In enlarging the forts or locating new ones for the accommodation of the increasing population, great care and judgment should be exercised in selecting such places as are beyond the reach of covert, (and unless included) beyond the rifle range of ridges, benches and mountains—and so as to command water for the use of the forts, and as much of the surrounding country as possible.

"Rule 6. The safety and future success of the settlements depend much upon guarding a gainst surprise, or being deceived by pretended friendship, at the same time exercising friendly relations with all, clothing and feeding them for their labor. It is humane and politic to feed the strangers when they first come, keeping a good look out for them, and if they remain too long giving them work, encouraging them by giving them fair wages for what they do, and making them as comfortable as possible according to the circumstances of the post, when they evince a disposition to comply with reasonable requirements.

[Signed] BRIGHAM YOUNG,
DANIEL H. WELLS,
*Lieut.-General Commanding Nauvoo Legion.*"

We further review the bill:

"SEC. 2. And be it further enacted, That the marshal or other officer, in selecting grand or petit jurymen, shall select them from the body of the people of the district. And in the trial of any case in which the United States shall be

a party, the United States shall have the same right to challenge jurors that the other party has.

"SEC. 3. That it shall be the duty of the United States marshal, in person or by his deputies, to attend all the courts held by the United States justices or judges in said Territory, and to serve and execute all process and orders issued or directed by said courts or by the judges thereof.

"SEC. 5. And be it further enacted, That the *probate judge shall be appointed by the Governor*," etc.

"SEC. 6. And be it further enacted, That the judges of the Supreme Court of said Territory may make rules and regulations as to the mode and manner of taking appeals from one court to another in said Territory, so that the just rights of the parties may be secured and preserved."

"SEC. 12. And be it further enacted, That marriages in said Territory may be solemnized *only* by any justices of the Supreme Court, justices of the peace duly elected and qualified in their proper townships or precinct, or by any priest or minister of the gospel (not Mormon), regularly ordained and settled or established in said Territory, between parties competent to enter into the marriage contract. And the person solemnizing such marriage shall sign and deliver to the husband and wife a certificate thereof, wherein shall be set forth the names, the ages and the places of the parties, and the place and date of such solemnization, together with the names of witnesses, not less than two, present at such solemnization, which certificate may be recorded in the office of the proper register of the county. * * * And such certificates or a certified copy of the record shall be evidence in any court of the facts therein set forth as above required."

"SEC. 13. And be it further enacted, That if any officer herein authorized to solemnize marriage shall, knowingly and wilfully, solemnize a marriage to which either of the parties are disqualified to enter into the marriage contract he shall be guilty of a misdemeanor, and upon conviction before a court having competent jurisdiction, he shall be sentenced to pay a fine of not less than one hundred dollars, and stand committed until the fine shall be paid.

SEC. 14 proposed to annul all the land grants and water privileges to the first settlers made by the Legislature up to that date. About one-sixth of the bill was devoted to that part. Had it passed it would have despoiled and ruined hundreds of families who made these Rocky Mountain colonies successful.

"SEC. 15. And be it further enacted, That all that part of Section two, of the act or ordinance entitled 'An ordinance incorporating the Church of Jesus Christ of Latter-day Saints, which declares that the real and personal property of said church shall be free from taxation; and all that part of Section three of said ordinance, which declares that the said church has the original right to solemnize marriages compatible with the revelations of Jesus Christ; and also, all that part of said section which declares that said church does and shall possess and enjoy continually the power and authority in and of itself to originate, make, pass and establish rules, regulations, ordinances, laws, customs, and criterions for the good order, safety, government, conveniences, comfort and control of said church, and for the punishment or forgiveness of all offences relative to fellowship, according

to church covenant—that the pursuit of bliss and the enjoyment of life, in every capacity of public associations and domestic happiness, temporal expansion or spiritual increase upon earth may not legally be questioned—be, and the same is hereby disapproved and annulled.

SEC. 17. "Marriage, so far as its validity in law is concerned in said Territory is hereby declared a civil contract, to which the consent of parties, capable in law of contracting, is essential."

"SEC. 18. *That it shall not be lawful for said church or its officers or members to grant divorces or solemnize marriages.*"

Sections 19 and 20 compelled the Trustee-in-Trust of the Mormon Church to make a full report on oath every year, between the first and last days of November, to the Governor of the Territory, of all church properties, moneys in bank, notes, deposits with the church, etc. The Trustee failing to comply, the Governor, within the expiration of three days after the time was authorized to file a complaint before one of the U. S. justices, requiring a warrant for the marshal to arrest said Trustee, who "shall, on a day set by said justice," be tried, and if found guilty, be liable to a fine of not more than $2,000 and imprisonment in the Penitentiary of not more than two years, or fine not less than five hundred dollars and not less than six months in the Penitentiary. All church property and revenues above $20,000 were to be taxed.

"SEC. 25. And be it further enacted, That in prosecutions for the crime of polygamy, proof of cohabitation by the accused as husband or wife, or the acknowledgments of the party accused of the existence of marital relation shall be sufficient to sustain the prosecution."

Evidently the design of Senator Wade's bill was to dismantle both "church and state," and to take from the people all their inherent powers, placing them in the hands of Congress and Federal officers appointed specifically for the purpose of suppressing the people of Utah as a Mormon community—styled at that time the "Mormon hierarchy," and a year or two later still more acceptably dubbed by Chief Justice McKean "the Mormon polygamic theocracy." Hence the grand enabling sections of the bill were, either to altogether abolish the Utah militia, or to transform it to an anti-Mormon force, to act as the Governor's *posse commitatus*, under the directions of the Secretary of War, to whom he was periodically to report.

A few months later Senator Cragin's bill superseded Wade's bill. It was, however, substantially the same, with trifling addenda and a few idiosyncracies of its own; of the latter the following is an extract:

"No man, a resident of said Territory, shall marry his mother, his grandmother, daughter, step-mother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, nor his sister, his half-sister, his brother's daughter, sister's daughter, or mother's sister. No woman shall marry her father, grandfather, son, grandson, step-father, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's son, husband's grandson, nor her brother, half-brother, brother's son, sister's son, father's brother or mother's brother."

If he or she did either of this, the penalty was to be imprisonment, at hard labor, in the penitentiary, for not more than fifteen years nor less than six months.

But this special legislation against Mormon Utah was suspended by the great controversy which arose between Congress and President Andrew Johnson. Moreover, President Johnson was opposed to the special legislation contemplated. Delegate Hooper was consulted in the choice of officers not objectionable to the people; and in 1868 the delegate succeeded in obtaining the passage of several bills of most vital interest not only to Salt Lake City but the entire Territory.

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## CHAPTER XLIII.

OPENING OF THE FIRST COMMERCIAL PERIOD. REMINISCENCES OF THE EARLIEST MERCHANTS. CAMP FLOYD. THE SECOND COMMERCIAL PERIOD. UTAH OBTAINS AN HISTORICAL IMPORTANCE IN THE COMMERCIAL WORLD. ORGANIZATION OF Z. C. M. I.

It is time that we take up the commercial vein of the history of our city and Territory, having reached a period when the commercial thread became closely woven in the general and political history of our most peculiar commonwealth.

The history of Utah commerce is very unique. In some respects there is not a State or Territory in America whose commercial history will compare with that of our Territory. Its character has been as peculiar as its commonwealth, and that has given to it a typing quite uncommon in its genius; yet the typing is in accord with the co-operative policies which the age has devised in solving the problem between capital and labor. There is also much stirring romance in its history. Its story and incidents are almost as romantic as the commerce of Arabia, whose mammoth caravans, in their journeys across the deserts, have given subject and narrative to the most gorgeous romances in the whole range of literature. The journeys of the trains of these merchants of the West over the Rocky Mountains and the vast arid plains between Salt Lake City and the Eastern States, and their arduous tasks and adventurous experiences will fitly compare with the history of the merchants in the East in olden times when civilization herself was fostered by commerce; and, moreover, in the early days of Utah, it took as much commercial courage, perseverance and ability to establish the commerce of this Territory as it did that of any nation known in history. On the very face of the record, we may discern that the men who did this work were no ordinary men. They were capable of making their mark in any land; and if Utah, in the early days, afforded them great opportunities, it was their boundless energies and commercial ambitions that first created those opportunities and made a people comparatively affluent who had been buried in isolation and in the depths of poverty.

In the year 1849, which was two years after the entrance of the Pioneers, the first regular stock of goods for the Utah market was brought in by Livingston & Kinkead. Their stock was valued at about $20,000. They opened in John Pack's adobe house in the Seventeenth Ward. It is now pulled down. It stood on the northeast corner of the lot now occupied by the new residence of the late John Pack and near where is now built the Seventeenth Ward Schoolhouse. In that day, it was the most convenient house in the city that these merchants could obtain and also one of the largest.

The following year, 1850, Holliday & Warner appeared, who constituted the second firm in the commercial history of our Territory. William H. Hooper came to Salt Lake City in charge of their business. They opened in a little adobe building which had been erected for a school house on President Young's block, east of the Eagle Gate. This little school house was esteemed a big store in those days. Holliday & Warner next removed to the building now occupied as the Museum.

The merchant's quarter soon began to define itself better than we see it in the primitive examples referred to, and Main Street grew into importance. The unerring scent of commerce tracked the direction which business was about to take, notwithstanding Main Street was dubbed Whiskey Street and often rebuked in the Tabernacle presumably for its many demerits; but such men as Jennings and Hooper, J. R. Walker, Godbe and Lawrence—who have been temperate all their lives,—redeemed it from the odium and made Main Street the quarter of princely merchants.

Main Street first began to define itself from the extreme upper quarter. John & Enoch Reese were the third firm in historical date established in Salt Lake City, and they built the second store on Main Street, upon the ground now occupied by Wells, Fargo & Co. J. M. Horner & Co., was the fourth firm, and they did business in the building occupied by the *Deseret News* Co. This firm continued in business but a short time and was succeeded by that of Hooper & Williams. Livingston, Kinkead & Co., changed to Livingston & Bell. Their commercial mart was the Old Constitution Buildings, which was the first merchant store erected in Utah. It was undoubtedly in the "Old Constitution" that the commercial focus of Main Street was best defined in the earliest days; and when Mr. Bell became postmaster the street also put on some official dignity. Business, however, gravitated down street. In this quarter, Gilbert & Gerrish, before the Utah war, became noted as one of the principal Gentile firms; and Gilbert occupied his stand after the settlement of the difficulty with the United States and the evacuation of the troops. It was also at this quarter of Main Street where William Nixon flourished and where the majority of the young commercial men of Salt Lake City of that epoch, including the Walker Brothers, were educated under him.

William Nixon was an Englishman and a Mormon. His commercial career was first marked in Saint Louis. To this day the "boys" educated under him speak of William Nixon as the "father of Utah merchants;" it was the name that he delighted in while he lived. He was proud of the distinction. In some respects he seemed to be an uncommon man—like William Jennings, a natural

merchant who did business sagaciously by instinct and found the methods and directions of trade by commercial intuition. The Walker Brothers were his chief pupils, and they speak of William Nixon much in this vein.

On the arrival of the Walker family in St. Louis, Father Walker became acquainted with William Nixon, to whom he sold goods purchased by him at auction. Nixon, at that time, was a regular merchant doing business on Broadway, in St. Louis. The elder Walker secured his son, David F. Walker—Mr. "Fred." as he is more familiarly known—a clerkship under the St. Louis merchant. At that date young Walker was but thirteen years of age. John Clark, who was one of the managers of departments in Z. C. M. I. from its commencement, was with Nixon before the Walker Brothers; so also was another of our prominent citizens and capitalists, Mr. Dan. Clift. These young men emigrated to Utah; Mr. "Fred" Walker went to fill their vacant place. Soon afterward, William Nixon himself emigrated, and Father Walker having then recently died, the four sons with the mother resolved to emigrate to Utah that same season,—the Walker Brothers, it will be remembered, being originally Mormon boys. As soon as they arrived in Salt Lake City, which was in September, 1852, Mr. "Fred" again went to clerk for Nixon and soon afterwards Joseph R. Walker also went into the same employ. Henry W. Lawrence, John Chislett, George Bourne, James Needham, David Candland and John Hyde were also commercially educated under Mr. Nixon; Thomas Armstrong was his book-keeper. William Nixon soon became recognized in our commercial history as a very successful merchant doing a large business. It was he who built the second store down street. Gilbert & Gerrish, who had been doing business at the Old Museum followed with a new stock of goods; and John Kimball, with his brother-in-law Henry W. Lawrence, as his clerk, opened next door to Nixon. This removal threw the main business into that quarter of the street; and it was not until Jennings' Eagle Emporium was reared, with Kimball & Lawrence on the opposite corner, and Godbe's Exchange Buildings were erected on the east side of the street, that business returned towards the original location, which at length has been crowned with the erection of the magnificent buildings of Z. C. M. I. Other Mormon merchants also rose, some of whom have since left Utah. There was the firm of Staines & Needham, John M. Brown, Gilbert Clements, Chislett & Clark; and, after the period of the Utah war, Ransohoff, Kahn, and other Jew merchants began to pour into the city.

Here something should be noted of Thomas Williams, Hooper's first partner. The merchant Williams was a Mormon young man of much promise in Nauvoo before the exodus. He was with the people in their exodus and was a member of the famous Mormon Battalion. He was one of the company of J. M. Horner & Co., which was afterwards changed to Hooper & Williams, and he built the third store on Main Street, on the site now occupied by the Deseret National Bank.

The firm of Hooper & Williams, existed until the spring of 1857, when Williams sold his interest to W. H. Hooper, and emigrated, with his family, to Weston, Missouri, where he engaged in the hotel business. Subsequently, in 1858, he returned to Utah, and in 1860 he, together with his brother-in-law, Pimena Jackman, was killed by Indians while *en route* to Southern California, to

which point they were proceeding for a train of merchandise. Thomas Williams was the man who first took William S. Godbe by the hand and gave him a commercial training. It is said that he was a man of excellent business qualities.

It was the merchants of Utah who first brought the Mormon community fairly into socialistic importance. And this affirmation is true of them, both in their results at home and the influence which they exercised abroad for the good of the people and the glory of Utah. Moreover, in the general sense of the public weal, this affirmation is as true of the Walker Brothers and Godbe and Lawrence as it is of Jennings and Hooper, or Eldredge and Clawson. The very construction of society and the necessities and aims of commerce convert the enterprises and life work of this class of men into the public good. Over quarter of a century, for instance, the Walker Brothers and Godbe and Lawrence have been identified with the material prosperity and destiny of this Territory. The welfare of the country is their own good as a class;—the glory of the commonwealth glorifies their houses and augments their own fortunes. Of all men, the life-work and enterprise of the class who establish commerce, build railroads, develop the native mineral resources of the country, and construct the financial power of the State, must perforce tend to the public prosperity as well as conserving and preserving society. And if this is the case with those influential men of commerce and great enterprises who have gone outside the pale of the Church, yet are still identified with the community in all their essential interests, how much more, specially speaking, is it the case with those men who have remained inside the pale of the Church and built up her commercial and financial power? The Church owes to her apostles of commerce and finance more than many would like to confess; and yet in this point of their extraordinary service to the Church is at once the significance and potency of Zion's Co-operative Mercantile Institution. This will be strikingly illustrated in the circumstantial history of Z. C. M. I.

A cursory view has been given of the destitute condition of the Mormon people during the first period of the settlement of these Valleys. As late as 1856, there was a famine in Utah, and the community was barely preserved by the leaders wisely rationing the whole and dividing among the people their own substance. But it was neither the economy and wisdom of the leaders, nor the plentiful harvests that followed, that redeemed Utah from the depths of her poverty, and the anomalous isolation of a people reared in lands of civilization and plenty. She was redeemed from her social destitution by a train of providential circumstances on the one hand, and the extraordinary activities of her merchants on the other. As we have seen, the providence came in a United States army; the temporary existence of Camp Floyd; the departure of the troops, leaving their substance to the community; the needs of the Overland Mail line; the construction of the telegraph lines; and then again the arrival of another U. S. army under Colonel Connor, and the establishment of Camp Douglass with several thousand soldiers to disburse their money in Salt Lake City after their pay-days, besides the constant supplies which the camp needed from our country, and often labor from our citizens. It was then, under these changed and propitious circumstances, that our Utah merchants put forth their might, and built up a commercial system for our Territory as strange and wonderful in its growth and history as that of any

State that has risen in America. As early as 1864, and right in the time of the great civil war of the nation, when the cities of the South were under devastation, Hooper and Eldredge purchased in New York a bill of goods at prime Eastern cost of over one hundred and fifty thousand dollars, the freight of which added to it another eighty thousand. A little later in the same year, William Jennings purchased of Major Barrows a train of goods in Salt Lake City worth a quarter of a million, including the freight. In 1865, this merchant purchased in New York at one time a stock of goods amounting to half a million, Eastern cost, the freight upon which was $250,000. During these same years Godbe and Mitchell went East and purchased for the people on commission goods to the amount of several hundred thousand dollars; and Kimball & Lawrence were at that period also in their most flourishing condition. And all this commercial activity instanced above was on the Mormon side, exclusive of the mammoth merchandise business carried on by the Walker Brothers, besides that of lesser merchants not ranked among the Mormon commercial houses. During this period also, William Jennings built his Eagle Emporium; Godbe his Exchange Buildings; Woodmansee Brothers their stone store now occupied by Osborne & Co.; and Walker Brothers the new store where they still do business, but which, like the Eagle Emporium, has been since enlarged.

Here we pause in the historic record before the era of Z. C. M. I. began, not touching as yet the boundaries of the great commercial period in which has risen the Deseret National Bank, and the commercial palace reared by Z. C. M. I., which will compare favorably with almost any mercantile building in America. Consider then the primitive condition of the community in their isolation and destitution, and behold what wonders these apostles of commerce wrought in so short a time. It was their work, be it repeated, that first brought Utah into social importance, carving out a material prosperity for the Mormons. This affirmation is not made to underrate the Apostles of the Church, who had done a still more wonderful part in their missionary operations, their emigrations, peopling these Valleys of the Rocky Mountains and founding the cities and settlements of as rare a State as ever sprang up in the history of the world,—and these commercial and financial apostles, whom the Church herself has brought forth have built a temporal superstructure upon the foundation which their prophets and elders laid.

Utah in her early days was utterly destitute of *cash;* all her internal trade being conducted by barter and the due-bill system. Yet as early as 1864, paradoxical as it may seem, her merchants were dispersing for her millions of gold and greenbacks. Some of them, as we have seen, could purchase in New York from a hundred thousand to half a million dollars' worth of goods at a time. The great wholesale houses of New York, Chicago and St. Louis scarcely ever met any such customers in all America as their Utah patrons, either in commercial integrity or weight. These achievements were only possible by these Utah merchants creating the millions before they disbursed them. True, no small amount of money was brought in by the emigrants from the old countries, but this was soon exhausted by their need of States goods and the purchase of homes; thus simply exchanging the money into hands eager to send it out of the country for States

Wm Jennings

goods. In fine, the bulk of the money was created at home by our merchants in their commerce, turning the produce of the country into cash. For example, one of Wm. Jennings' contracts with the Overland Mail line was to supply it with 75,000 bushels of grain; another contract to be filled to General Connor for 6,000 sacks of flour at a time when flour brought five dollars in gold per hundred weight. On their part the Walkers and others shipped immense quantities of flour, fruit, etc., to the mining Territories. Thus, it will be seen that these merchants did not take money out of the people, but created it for them; besides supplying the home market with gigantic stocks of States goods. It must be confessed that Utah commerce, before the opening of our mines, gave all the money to a few hands. And this was one of the immediate causes that brought forth Zion's Co-operative Mercantile Institution; as the leaders of the Church conceived it to be their duty, at length, to construct for the community a broader and more equitable system of commercial existence; so that all could participate, to the extent of their means, in the profits realized and the reduction in price of the co-operative system. That this was the genuine aim of the Institution its history will show, notwithstanding some blunders may have been made in the execution of the design.

As a necessary result of these operations, our merchants not only redeemed the community from social destitution and converted a rural town into a commercial city; but they brought Utah into an importance abroad and greatly reformed the Eastern mind concerning the "strange people" who inhabit these distant Valleys. As all know, in the earlier days the Mormon community was esteemed by the good folks in the Eastern States as a monstrous society which had grown up in America. The exaggerated stories told of the Mormons by the ex-Federal officers, together with the existence of the institution of polygamy, had given them an unenviable notoriety; while their exoduses, the Utah war, and other unique incidents of their history, attached to them a peculiar distinction as a troublesome little nation of modern Israelites which had hidden itself in the solitudes of the Rocky Mountains. But our Utah merchants made the community more comprehensible. The people abroad could not understand the theology and peculiar institutions of this Mormon Israel; but they could appreciate the importance of the Utah trade; and when at length the grand commercial organization of the Z. C. M. I. was formed, the financial potency of the community was greatly enhanced. The business men of New York, Chicago, Boston and St. Louis have become deeply concerned in preserving the Mormons, and in the general prosperity of Utah. The mission of Mormonism has been an enigma in the age, but the purchase in New York of millions of dollars' worth of goods by the Mormon merchants was a record easily read by the commercial men of that city, years ago; and the subsequent history of Z. C. M. I. has financially established the community in all the great business centres of America. Our Utah merchants have now long been esteemed as sound-headed, enterprising, honorable men; and this is equally true of those who have gone out of the Church, as of those who remained inside and became the pillars of Zion's Co-operative Mercantile Institution.

The foregoing sketches of our commerce and commercial men have prepared us to comprehend the vital importance of the Church preserving within herself this vast monetary and mercantile power. Herein was nascent the wisdom of the co-operative idea, and in it resides the original justification of President Young's energetic efforts to so preserve the financial power by the construction of some order of mercantile communism applicable to the Church. The President was at the onset abundantly reproached for his co-operative movement or—as some worded it—compulsory mercantile combination; and several of those who had been his staunchest adherents up to that period left his side in consequence. The impartial historian, however, cannot but justify Brigham Young as the head and guide of Mormon society. The truth is that in 1868-9 the Mormon Church was brought face to face with implacable necessities which seemed about to weaken her; and these necessities were of a commercial and financial character. She had to subdue or be subdued,—a point on which the dominant will of a man like Brigham Young could decide in a moment. The issue of those times was—should she hold her temporal power or loose it?—Should the vast money agencies which had so grown up among her own people, in the country which she had settled, at length overwhelm her; or should she, by combinations of her own, place those agencies at her back and preserve her supreme potency? Brigham Young answered those vital questions in the organization of Z. C. M. I.

At the time referred to, these financial and mercantile issues were, after President Young, chiefly held in the hands of three men, namely; William Jennings, William H. Hooper and Horace S. Eldredge. The subject, then, at this stage, grows so suggestive of the existence of Z. C. M. I. as the neccessary commercial handmaid of the Church that we must dwell awhile on a circumstantial exposition.

Early in our commercial history, there grew up a conflict between the merchants and the Church. To become a merchant was to antagonize the Church and her policies; so that it was almost illegitimate for Mormon men of enterprising character to enter into mercantile pursuits; and it was not until Jennings, Hooper and Eldredge redeemed Utah from this conflict by resigning to the Church their own basis that Utah commerce developed into proper forms and became inspired with the true genius of mercantile enterprise. To-day there is no such commercial war as existed in 1868 and out of which Z. C. M. I. was evolved; and yet when Mr. T. B. H. Stenhouse wrote his *Rocky Mountain Saints* the salient part of the commercial record of his book was all concerning this "irrepressible conflict" between the merchants and the priesthood. The firm of the Walker Brothers is described as the head and front of this conflict on the merchant side, as Brigham Young was on the side of the Mormon Commonwealth. But the Church was too powerful to be subdued; and the merchants were desirous at one moment to give up the fight. Says Mr. Stenhouse:

"With such a feeling of uneasiness, nearly all the non-Mormon merchants joined in a letter to Brigham Young, offering, if the Church would purchase their goods at twenty-five per cent. less than their valuation, they would leave the Territory. Brigham answered them cavalierly that he had not asked them tc come

into the Territory, did not ask them to leave it, and that they might stay as long as they pleased.

"It was clear that Brigham felt himself master of the situation; and the merchants had to 'bide their time' and await the coming change that was anticipated from the completion of the Pacific Railroad. As the great iron way approached the mountains, and every day gave evidence of its being finished at a much earlier period than was at first anticipated, the hope of what it would accomplish nerved the discontented to struggle with the passing day."

Here is at once described the Gentile and apostate view of the situation of those times, and confined as it is to the salient point, no lengthy special argument in favor of President Young's policies could more clearly justify his mercantile co-operative movement. It was the moment of life or death to the temporal power of the Church! When it be also considered that the organization of Z. C. M. I. not only preserved this power in the hands of the community, but that it redeemed the Territory from this irritating commercial conflict, it is evident that the scheme was both potent and wise. The historian has nothing to do with the argument of the conflict at issue in any of its forms, but simply with the fact of its existence and the necessities of the Mormon community at that time. The point that stands boldly out in the period under review is, that the organization of Z. C. M. I. at that crisis saved the temporal supremacy of the Mormon commonwealth.

But the co-operative idea and genius originated not with the merchants. Co-operation, indeed, is the true offspring of the Church. It was not conceived in the spirit of the world but in the spirit of the gospel; and it was begotten early in the Mormon dispensation, though it was not successfully applied to the community until 1869.

Joseph Smith, the founder of the Church of Latter-day Saints, was the Prophet of a co-operative system designed to be applied not only to this Church but ultimately to all society. It was the means by which a universal social redemption was to be brought about, and in this result was the beginning of a Millennium for the race. Without social redemption, no millennial reign was possible; so taught the Prophet Joseph and such apostles as Parley P. Pratt, Orson Pratt and John Taylor fifty years ago. These men were the teachers of a co-operative system, based on gospel principles, to the disciples of the last generation, whose children scarcely dream that their fathers were inspired by such a philosophy and spirit or that they believed that in the success and spread of a true communistic gospel over the whole earth the reign of righteousness was to be brought in as the consummation of the Latter-day mission. But such was original Mormonism; and it was Joseph Smith who was the Prophet of this communistic gospel in which was to be evolved the best methods of a co-operative commonwealth inspired by the spirit of the broadest social benevolence. This system was styled the "Order of Enoch," and it signified simply and truly a society based upon a perfect co-operative order, practically worked in all its affairs by co-operative principles and inspired by the spirit of a universal Christ-like benevolence. It was, in fine, the order of the Kingdom of Heaven to be established upon the earth in the last days. Its peculiar style—the "Order of Enoch"—signified to the Mormon understand-

ing that such a perfect communistic system existed in the earliest patriarchal age among Enoch and his people. Thus socially considered, we may form a pretty lucid and comprehensive idea of what Enoch's walking with God in the early age of the world signified; and from the revelations given by the Prophet Joseph historically of Enoch and his people, it appears that their supreme social boast was that there were "no poor in Zion." Such a Zion was to be established in the last days; and in the consummation of a social system which would truly and most perfectly realize Zion, according to the conception of the Prophet Joseph, was the grand socialistic aim of the Mormon mission. Co-operation is as much a cardinal and essential doctrine of the Mormon Church as baptism for the remission of sins; and every Mormon Elder who understands the philosophy of his own system could affirm that without co-operation society cannot be saved. Furthermore, it has been the ambition of the Mormon leaders to evolve their own social system. Hence their wonderful "gatherings"—the emigration of a hundred and fifty thousand converts from Europe; their founding of hundreds of cities and settlements under a *temporal Priesthood* of Bishops, and hence also their patriarchal and polygamic institutions. We are not, however, in this chapter, about to treat of the strange religious and social system of the Mormons; but to speak of the efforts of Brigham Young in 1868-9 and '70 to transform this people into a grand co-operative community and afterwards to perfect them as the "United Order of Enoch."

The co-operative exposition, then, shows us that early in his day, Joseph Smith attempted to found a communistic church,—not after the order of the French Communists and sceptics, nor even after that of the more reverent Robert Owen; but such a communistic church or social and religious brotherhood as the great English socialist believed Jesus and his apostles attempted to establish on the earth as the pattern of things in the heavens. Apostasy and persecutions, however, prevented the Mormon Prophet from consummating this grand "design of the Heavens" to found, through him, a socialistic-religious brotherhood on the earth ushering in the earth's Millennium. But the Mormon apostles and the elders generally believe that all this would be ultimately consummated in their mission. At home and abroad this splendid ideal—which Robert Owen, in his latter moments especially, would have reveled in as a vision of New Jerusalem—often formed the subject of the most inspired sermons of the elders. Thus it continued as an ideal in the Mormon faith for nearly a quarter of a century after the death of the Mormon Prophet, before Brigham Young vigorously attempted to carry the plan into execution.

The reasons of this delay were—first, the extraordinary and unfavorable circumstances of the Mormon people during that period. There was the exodus from Nauvoo and then the peopling of these numerous valleys with the tens of thousands of destitute emigrants from Europe. They had also to convert the desert into a fruitful field. The law of their condition might have been well expressed in Lincoln's homely injunction—"Root, hog, or die." This period, therefore, was not the one to establish the order of Zion—for such the "Order of Enoch" is—nor to open effectively a probationary and preparatory period with some prudent co-operative plan upon which the moneyed men of the country as well as the people could unite.

According to these views of the true genius of the Mormon commonwealth and the proper socialistic aims of the Church, a Zion's Co-operative plan is most legitimate. Upon it, Mormon society must sooner or later be completely and perfectly constructed or the Church will fail to embody her own social philosophy. This communistic gospel of the Mormons thirty years ago attracted the attention of the great socialistic apostles of England and won their admiration. It did so with George Jacob Holyoak and his class; and the famous and learned socialist, Brontier O'Brian, in one of the most powerful and discriminating editorials ever written upon the Mormons and their commonwealth, said in *Reynolds' Newspaper* that the Mormons had "created a soul under the rib of death!" It was a matter of supreme astonishment to these great apostles of socialism to find a Christian Church in this age working abreast of themselves in social reforms; and they boldly and justly proclaimed that the Mormons were the only people in Christendom who were building upon the true social base-work as exemplified in the early Christian Church. And what made the Mormon movement, in its socialistic aspects, so singular and interesting to these men was the fact that the Mormons were working out a new social order harmonious with the co-operative and communistic plans of a Robert Owen, yet with God in their system and a mighty faith in their people inspiring them to a great social reconstruction. They frankly confessed that in this respect the Mormon apostles had the advantage of all other reformers of the social system.

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The Mormons as a community were about to test the strength of their temporal bulwark. They were also, for the first time in their history, to meet an adequate trial of the communistic genius of their Church, at once in its potency in the sense of a community's aggregated force and in the adhesive and the preserving qualities of that genius in the sense of a communistic power of resistance. But we must return to the historical narrative of the period, that we may review the salient points of the situation during the years 1868-69-70. Early in 1868, the merchants were startled by the announcement "that it was advisable that the *people* of Utah Territory should become their own merchants;" and that an organization should be created for them expressly for importing and distributing merchandise on a comprehensive plan. When it was asked of President Young, "What do you think the merchants will do in this matter; will they fall in with this co-operative idea?" he answered, "I do not know, but if they do not we shall leave them out in the cold, the same as the Gentiles, and their goods shall rot upon their shelves."

This surely was implacable; but, as already observed, Brigham Young and the Mormons as a peculiar community had in 1868 come face to face with implacable necessities. They had, in fact, to cease to be a communistic power in the world and from that moment exist as a mere religious sect, or preserve their temporal cohesiveness. The Mormons from the first have existed as a society, not as a sect. They have combined the two elements of organization—the social and the religious. They are now a new society-power in the world and an entirety in themselves. They are indeed the only religious *community* in Christendom of

modern birth. They existed as such in Ohio; in Missouri, in Illinois, and finally in Utah; and to preserve themselves as a community they made an exodus to the isolation of the Rocky Mountains. They intend forever to preserve themselves as a community; that was the plain and simple meaning of Brigham Young's answer concerning the merchants in 1868. It was not an exodus which was then needed to so preserve them, but a Zion's Co-operative Mercantile Institution. The subsequent history abundantly shows as much; many times since, as we shall find by tracing the lines of the Mormon financial influences abroad, Z. C. M. I. has moved the commercial world everywhere to the preservation of that peculiar community of which it has become the temporal bulwark. There was, therefore, at once the extraordinary sagacity of a great society organizer as well as genuine Mormon fidelity in President Young's answer. If the merchants do not fall in with Zion's Co-operative movement to preserve herself intact "we will leave them out in the cold, the same as the Gentiles." President John Taylor or George Q. Cannon would have answered precisely the same. Indeed, this was the united decision of the Apostles upon the co-operative necessities of the times, and it was a co-operation among the mercantile and financial class of the community that was so essentially required in 1868-69-70. To appreciate the radical necessity of such a combination of the Mormon moneyed classes at that time will be to sociologically understand the birth and subsequent history of Z. C. M. I. and the immense service which three or four of the chief commercial and moneyed men of the Territory did to the community in resigning their own base-work to a Zion's Institution, thus setting the example to the lesser mercantile powers throughout the Territory.

The co-operative plan having been sufficiently evolved in the mind of President Young and his apostolic compeers, the President called a meeting of the merchants in the City Hall, October, 1868. It was there and then determined to adopt a general co-operative plan throughout the Territory to preserve the commerce and money resources of the people within themselves, and thus also to preserve the social unity. As yet, however, the methods of co-operation were not perfected nor the idea of a Z. C. M. I. completely evolved. It was necessary for the merchants themselves to work out the idea into practical shape, it being their special movement, though inspired by the Church from the very impulse of her own genius. To be true to the integrity of history, it must be confessed that of themselves the merchants never would have re-constructed themselves upon a co-operative plan. The inspiration of the moment was from the Church, while its *success* was in such men as Jennings and Hooper and Eldredge and Clawson; but especially was the commercial basework of Mr. Jennings, with his Eagle Emporium, required for the foundation of an Institution colossal enough to represent a community. Brigham Young was wise enough to know the necessary parts of the combination.

The initial movement of co-operation having been made, meeting followed meeting; a committee was appointed to frame a constitution and by-laws, and, without seeing the end from the beginning, their part of the programme was carried out, and an institution formed on paper; subscriptions were solicited, and cash fell into the coffers of the Treasurer *pro tem.* This was during the winter

months of 1868. With the turn of the year a committee was appointed to commence operations. They waited upon the President for advice, who, in his quiet but decided way, said: "Go to work and do it." After a little conversation, the question was again suggested: "What shall we do?" With the same sententious brevity, the reply came, "Go to work and do it." "But how?" the questioners continued; "we haven't enough money; we haven't the goods; we have no building; we haven't sufficient credit." "Go to work and do it, and I will show you how," was the President's finality to those who came to seek counsel.

To some minds these sententious answers of Brigham Young will be merely illustrations of a despotic resolve to force into existence a mercantile co-operation by the power which he held over the Latter-day Saints in all the world. That universal dominance of the head of the Church is admitted; and in 1868, before the opening of the Utah mines, and the existence of a mixed population, there was no commercial escape from the necessities of a combination. But while the imperativeness of President Young's resolve may be frankly confessed, his sagacity was as strongly illustrated as the absoluteness of his purpose. Indeed, these famous replies of Brigham, which were current in the public conversations of Salt Lake City at the time, may be considered, with their significance brought out, as fine tributes to the commercial power and capacity of three or four men, easily named, who *could* "go to work and do it" better than he could advise them. The co-operative genius evolved in the gatherings of the people into a community in Ohio, Missouri, Illinois and Utah, had already manifested itself. To *fail* in Mormon cooperation was, therefore, something that Brigham Young could not understand.

To sum up, then, the people possessed the genius of co-operation, and Brigham Young possessed the *will;* while around him there was a small circle of men who, for commercial energy and honor, instincts for great enterprises, and financial capacity generally, would be esteemed as pre-eminent in any commercial state in the world.

Thus considered, Brigham Young's famous words, "Go to work and do it," have an extraordinary commercial weight. They signified, in the strongest possible brevity of expression, first, perhaps, faith in himself; next, faith in the people; and, lastly, confidence in the organic capacity and financial power of a few men whom he had clearly defined in his mind. Those who have repeated with any other meaning these words of Brigham Young—words which are as types of the period—have but poorly appreciated the historical import of his mighty injunction.

Review the commercial and financial combination as defined in Brigham Young's mind at that moment. There was, perhaps, first, the Hon. William H. Hooper. He had served the people faithfully in Congress ever since the "Utah War," and the President esteemed him as the keystone of the commercial arch. As a far-seeing, watchful politician, also William H. Hooper could perfectly comprehend at once the political and commercial complications of the times and foresee that, as the people's Delegate, he would soon have to grapple in Congress with the same essential problem that Brigham Young had to grapple with at home.

This was, to preserve the community intact and sufficiently resistive toward all antagonistic forces; and scarcely a year had passed ere the Hon. William H. Hooper fully realized this in his defence of the Mormons against the Cullom Bill. He, therefore, in the crisis of 1869-70—the date now reached—could well appreciate Brigham Young's words, "Go to work and do it!"

There was, probably, next in the President's mind, Horace S. Eldredge. He had been with the people in their troubles in Missouri and Illinois, had conducted their emigrations and was one of the commercial founders of the Mormon commonwealth in Utah. Therefore Horace S. Eldredge was a proper foundation-stone of Z. C. M. I.

The third—and in some respects the most important man defined in the President's mind—was William Jennings. In 1869, he could have carried a million dollars to either side in means and credit. He had the goods at that moment in Salt Lake City; he had built his Eagle Emporium, which was quite worthy of Zion's Co-operative Mercantile Institution to open business in, and he had abundance of commercial credit either East or West to sustain the president in his great design.

After these three first named, came John Sharp, Feramorz Little, Henry W. Lawrence and William S. Godbe; besides H. B. Clawson, who was Brigham Young's son-in-law and late business manager, and at this time in partnership with Horace S. Eldredge. Undoubtedly, President Young was depending upon all these above named.

The combinations thus reviewed, reconsider the conversations of the occasion when that committee waited on President Young, for the record is given with historical exactness:

"Go to work and do it."

"But how?"

"I will show you—" substantially implying: "you have plenty of money; you have buildings; you have abundance of goods; you have sufficient credit."

The President was right; and the merchants realized that there was no getting around his solid views.

To the everlasting honor of William Jennings be it said, he did not betray the President and the people in their co-operative movement. Mr. Stenhouse treats his act as a shrewd piece of business policy: but the true historian can only consider it as an act commensurate with the needs of those times. William Jennings resigned his business basis to Z. C. M. I., sold his stock to it for over $200,000, and rented his Eagle Emporium for three years to the institution at an annual rental of $8,000. Eldredge & Clawson also sold their stock and resigned their business basis to Z. C. M. I., and other leading firms followed the example.

The organization of Z. C. M. I., was at length effected in the winter of 1868-69. It consisted of a president, vice-president, secretary, treasurer and seven directors. Brigham Young was very properly chosen president; J. M. Bernhisel, vice-president; Wm. Clayton, Secretary and D. O. Calder, treasurer; George A. Smith, William Jennings, G. Q. Cannon, William H. Hooper, H. S. Eldredge, H. W. Lawrence, and H. B. Clawson, directors; H. B. Clawson, superintendent.

Several changes, however, were soon made in the Board and officers of the Institution. Thomas G. Webber succeeded William Clayton as the secretary, Thomas Williams was elected at the same time treasurer. Henry W. Lawrence retired from the Institution and sold his interest in it to Horace S. Eldredge.

The policy which had been wisely and considerately pursued in purchasing the stock of existing firms, or receiving them as investments at just rates, shielded from embarassment those who would otherwise have inevitably suffered from the inauguration and prestige of the Z. C. M. I.

Simultaneously with the framing of the parent institution, local organizations were formed in all the settlements of the Territory; each feeling itself in duty bound to sustain the one central depot and to make their purchases from it. The people, with great unanimity, became shareholders in their respective local co-operatives, and also in the parent institution; so that they might enjoy the profits of their own investment and purchases. Thus, almost in a day, was effected a great re-construction of the commercial relations and methods of an entire community which fitted the purposes of the times and preserved the temporal unity of the Mormon people as well as erecting for them a mighty financial bulwark.

## CHAPTER XLIV.

POLITICAL SIGNIFICANCE TO UTAH OF THE ELECTION OF GRANT AND COLFAX. THE "FATHERS OF THE CHURCH" SPEAK TO THE NATION ON THE SUBJECT OF ABOLISHING POLYGAMY. COLFAX'S DISAPPOINTMENT AND IRE. A DELEGATION OF CHICAGO MERCHANTS VISIT SALT LAKE ON THE COMPLETION OF THE U. P. R. R; ALSO DISTINGUISHED STATESMEN. BRIGHAM YOUNG'S FAMOUS CONVERSATION WITH SENATOR TRUMBULL. COUNCIL OF THE CHICAGO MERCHANTS, STATESMEN AND UTAH GENTILES HELD AT THE HOUSE OF J. R. WALKER. TRUMBULL RELATES THE CONVERSATION WITH BRIGHAM. A GENERAL WAR TALK. THE SECOND VISIT OF COLFAX TO SALT LAKE CITY.

We return to the general history.

The election of U. S. Grant to the presidency of the United States, and of Schuyler Colfax to the vice-presidency, signified to Utah, a persistent policy on the part of the Government to grapple with Utah affairs. Originally, as we have seen, in the letters of Mr. Bowles, from Salt Lake City, the programme was intended to be comparatively mild and tolerant toward the Mormon people, though firm and decisive, and the base of operations a solid ground for the Mormon people to reconstruct themselves upon, under the direction of the Government. It is most probable that Mr. Colfax had forecast a settlement of the difficult Mormon problem through the coalition of himself and Brigham Young, the one

representing the government and will of United States, and the other the Mormon Church as a party to a compromise. This seems to have been the meaning of those passages referring to Mr. Colfax's "suggestion" "that he had hoped the prophets of the church would have a new revelation on the subject, which should put a stop to the practice;" adding "*that as the people of Missouri and Maryland, without waiting for the action of the general Government against slavery, themselves believing it to be wrong and an impediment to their prosperity, had taken measures to abolish it, so he hoped that the people of the Mormon Church would move for the abandonment of polygamy, and thus all objection to the admission of Utah as a State be taken away: but that until it was, no such admission was possible, and that the Government could not continue to look indifferently upon the enlargement of so offensive a practice.* And not only what Mr. Young said, but his whole manner left with us the impression that, if public opinion and the Government united vigorously, but at the same time discreetly, to press the question, there would be found some way to acquiesce in the demand, and change the practice of the present fathers of the Church."

Speaker Colfax—politician though he was—may well be pardoned for entertaining for awhile the pretty plan, suggested in the above, for the solution of the Mormon problem. On his part, with the presidency of the United States in his prospect, or at least the vice-presidency, and with the powerful Republican party, then in its giant strength, at his back, he could doubtless have kept his part of the compact had it been made. Utah would have become a State—a Republican State, held in vassalage by the very Mormon vote itself to the party which had created it; polygamy would have been abolished by a new revelation, which of course to Mr. Colfax simply meant the will and say-so of Brigham Young, and the Mormon Church would soon have become defunct in every sense of its past existence. The accomplishment of this project would have been a great triumph in Mr. Colfax's life, scarcely less than would have been his election to the Presidential Chair. As President of the United States he would have been but one among many; as solver of the Mormon problem he would have stood alone in American history. Already since the Mormons left "the borders of civilization" in 1846, up to the date of the first Colfax visit, five Presidents of the United States had held the Mormon community in their hands. Mr. Polk had designed to occupy California for the nation, by the Mormon community, two years before the discovery of gold threw the nation on to the Pacific Coast as from a tidal wave; Mr. Filmore had, in the popular mind, clothed the Mormon Church in the habiliaments of a Territory and endowed Brigham Young with gubernatorial power and prestige; Mr. Pierce, much to the disgust of both political friends, and foes who would gladly have seen Utah dismantled, re-appointed Brigham Young; Mr. Buchanan had the Utah war forced upon him, first by the action of his predecessors, and finally by the will and pleasure of both political parties; Mr. Lincoln had sent word "if Brigham Young and the Mormons will let me alone I will let them alone;" but in the consummation of the whole to Mr. Colfax was to be given the triumph of dismantling the Mormon Church, by a new revelation from herself, and the transformation of an Israelitish commonwealth into a Gentile or apostate State. The plan was well conceived from a politician's point of view,

and in a worldly sense there was much statesmanship in it. But Brigham Young and the Apostles understood it, much better than Mr. Colfax and his friends—both as touching the policy of the compromise, the new revelation and the consequences that would overtake their church. It is an old Mormon adage, which we quote, not apply—"When God and the Devil strike hands, the kingdom of God is no more."

The "fathers of the Church" hastened to correct the mistakes of Mr. Colfax and his friends relative to their being any possibility of a compromise on their part and rebuked them for giving out to the world that a new revelation might soon be expected through them, abandoning polygamy. Mr. Bowles in his supplementary papers calls attention to this apostolic utterance. He wrote:

"My readers may be interested to know the reply of the Mormons to my letters on the subject of polygamy. The *Deseret News*, the official organ of the church, had such a reply in August, 1865, from which I quote:

"As a people we view every revelation from the Lord as sacred. Polygamy was none of our seeking. It came to us from Heaven, and we recognized in it, and still do, the voice of Him whose right it is not only to teach us but to dictate and teach all men, for in his hand is the breath of the nostrils, the life and existence of the proudest, most exalted, most learned or puissant of the children of men. It is extremely difficult, nay utterly impossible, for those who have not been blessed with the gift of the Holy Ghost, to enter into our feelings, thoughts and faith in these matters. They talk of revelation given, and of receiving counter revelation to forbid what has been commanded, as if man was the sole author, originator and designer of them. Granted that they do not believe the revelations we have received come from God; granted they do not believe in God at all—if they so desire—do they wish to brand a whole people with the foul stigma of hypocrisy, who, from their leaders to the last converts that have made the dreary journey to these mountain wilds for their faith, have proved their honesty of purpose and deep sincerity of faith by the most sublime sacrifices? Either that is the issue of their reasoning, or they imagine that we serve the most accommodating Deity ever dreamed of in the wildest vagaries of the most savage polytheist. Either they imagine we believe man concocts and devises the revelations which we receive, or that we serve a God who will oblige us at any time by giving revelations to suit our changing fancies, or the dictation of men who have declared the canon of revelation full, sealed up the heavens as brass, and utterly repudiated the affairs of the Almighty in the affairs of men; by the first of these suppositions we would be gross hypocrites; by the other gross idiots.

"Know gentlemen of the press, and all whom it may concern, that though a repugnance to this doctrine may be expressed by one in a thousand of the people whom you call 'Mormons,' he is not one, nor recognized as such by that community of which he may be called a member. If one revelation is untrue, all are untrue; if one was revealed by God, all have their origin in the same Divine source."

This now is the true utterance of the Church, whether it pleases or displeases the State. This is the voice of Brigham Young and his fellow apostles as "prophets, seers, and revelators," and not as a party indulging over "strawberries" and

the dinner table, in "the freest and frankest" conversation "ever known" between the Church and the State over the subject of the sacred oracles and the fitness of their speech to the times and conformity to the wishes and suggestions of the State. No church, with a priesthood and the oracles, could faithfully answer differently to the answer which this one gave through the *Deseret News*. The Catholic Church in its last four hundred years of controversy with the State, to say nothing of the early days of the church under the Roman emporers, is proof that no such church can compromise with the State, or renounce anything that constitutes its type.

When once the mistake came home to Mr. Colfax, through the apostolic rebuke of the *Deseret News*, he, perhaps, also clearly saw, and too keenly felt, the humility of the State, occupying a false position in the presence of the Church. He had been self-deceived,—undoubtedly *he* thought imposed upon by Brigham Young—but really led away by the plausibility of his plan to solve the polygamic difficulty, by inducing the "fathers of the Church" to compromise with the government for a State, with amnesty for all the past, and recognition of existing family relations up to a certain date.

It is fairly due to Mr. Colfax to believe that his policy of settlement was conceived in the spirit of generosity and consideration, towards the Mormon *people* at least, and that the glowing speeches, made very much as a tribute to them, by himself and companions, were thoroughly genuine, but it is also certain that Mr. Colfax was, with the sequel, both disappointed and chagrined. From that time, there was no man in America more indisposed to compromise with the Mormon Church than he—not even the Apostle John Taylor, with whom Mr. Colfax discussed the Utah-Mormon question after he became Vice-President. It was in this stern spirit of uncompromise that Mr. Colfax made his second visit to Salt Lake City in October, 1869.

In the beginning of July, 1869, a delegation of Chicago merchants, seeking the trade of the West, with several distinguished American statesmen, arrived in Salt Lake City. It was by far the most important body of representative men of the Nation and its commerce that had visited the West; and their advent to our city, at that juncture, had a potent influence in the affairs of our Territory, not only in its commerce, but in the subsequent congressional legislation. The party consisted of the following persons—statesmen, bankers, merchants, etc.

Hon. L. Trumbull, U. S. Senator for Illinois; General R. J. Ogelsby, ex-governor of Illinois; Hon. N. B. Judd, M. C.; Hon. J. V. Arnold; Hon. W. S. Hinkley; Rev. Clinton Looke, D. D.; J. Medill, editor of the Chicago *Tribune*; J. M. Richards, president of the Chicago Board of Trade; Messrs. J. L. Hancock, O. S. Hough, J. V. Farwell, J. H. Bowen, F. D. Gray, W. T. Allen, A. Cowles ,G. M. Kimbark, E. W. Blatchford, G. S. Bowen, C. G. Hammond, O. Lunt, T. Dent, C. G. Wicker, B. F. Haddock, S. Wait, E. V. Robbins, J. A. Ellison, C. Tobey, J. R. Nichols, E. F. Hollister, E. G. Keith, C. Gossage. J. Stockton, D. W. Whittle, Mr. Mead, O. L. Grant, (brother of President E. G. Squires, and others.

Headed by Col. James H. Bowen, to whom great credit was due for the efficient manner in which everything connected with the excursion had been managed; the

Delegation called on President Young, at 11 o'clock A. M., July 10th, 1869. Col. Bowen, surrounded by the members of the party, delivered the following address:

"*President Brigham Young*: We call upon you this morning as members of a representative commercial party from the city of Chicago, who are *en route* upon a visit to San Francisco, the purpose of which is to facilitate commercial relations with localities made tributary by the completion of the Union and Central Pacific railroads.

"Esteeming the Territory of Utah one of the important localities, we have come to its capital to greet you and those engaged in commercial transactions in your midst, and to invite co-operation in our efforts.

"We also come to congratulate you upon the auspicious and speedy completion of the great national highway, that binds together the distant extremes of our country, that relieves the people of their long and profound isolation and places them and their products within a few days of steam locomotion of the great markets of the Union, thereby increasing the value of their labor and reducing the cost of their goods, and adding immensely to their wealth and their comforts, and placing them within easy reach of all the social as well as material enjoyments of life.

"In passing swiftly through the far-famed Echo and Weber canyons, we were deeply awed and grandly impressed with the majesty of the scenery and filled with wonder at the herculean task accomplished in the building of the railway through and over such seemingly insurmountable obstacles of nature in so incredibly short a space of time. A considerable share of the credit and honor of this achivement properly belongs to you and your people, who rendered hearty, efficient and timely aid to the company charged with the completion of this gigantic national highway, and we hope you will live long to enjoy the fruits of these beneficial labors. You will have further cause of congratulation when the branch road is completed which shall connect the capital of Utah with the main line, which work we are glad to learn is rapidly progressing towards completion.

"We have examined and scrutinized your wonderful development and the utilization of the barren nature which surrounded you in your early occupation of the valley. It demonstrates what can be reached by skillful industry and well directed energy, and is worthy of high commendation.

"Allow me the pleasure of introducing to you the members of our party, collectively and individually."

President Young replied:

"*Col. J. H. Bowen, chairman of the representative commercial party of the city of Chicago, and gentlemen:* I will briefly say in behalf of my friends here, and on my own part, gentlemen, you are each and all welcome; we are pleased to see you; we sincerely hope you are well and enjoying yourselves and that your excursion to the West will be productive of much benefit to all concerned.

"We congratulate you on the energy displayed by the commercial men of Chicago in advancing the business interests of the West, and we accept this as an index of more abundant success in the future. We are with you, heart and hand, in all that promotes the public good.

"We thank you for your congratulation and duly appreciate the high estimate which you hold of our labors. It is true we are the pioneers of this Western civilization, and that we have to some extent assisted in the development of the resources of the great West. It is true that we have built over 300 miles of the great Pacific Railroad, an enterprise for which, by the way, we memorialized Congress in 1852; but this of the past. Our labors are before the world, they speak for themselves. Our aim is to press onward, diligently to perform the part allotted to us in the great drama of life, and, having ever in view the glory of God and our country, the rights of man, and social independence, strive for the maintenance of those glorious principles which compose our Federal Constitution."

Col. Bowen then introduced the gentlemen of the party, and a general and very agreeable conversation of upwards of an hour ensued.

This call upon ex-Governor Young, as the founder of Salt Lake City, and the pomp and formality of the interview, gave a very proper initial to the business and purposes of the delegation; but their council on Utah affairs was held at the residence of Mr. J. R. Walker. There the delegation met representative Gentiles of the city, Federal officials, military men, and non-Mormon merchants, among whom were the Walker Brothers, Colonel Kahn, John Chislett, General P. Edward Connor, Major Charles H. Hempstead, Judges Hawley and Strickland, O. J. Hollister, R. H. Robertson, Major Overton, and Captain Thomas H. Bates. Designedly marked was the absence of Chief Justice Wilson, and Secretary Mann, whose fair standing with the Mormon people rendered them altogether unfitted for this very pronounced non-Mormon assembly. The meeting was a sort or informal national council, held on the spot, over Utah affairs, and it meant the determination of capacious special legislation, such as was quickly thereafter developed in the Cullom Bill. General Connor and Major Hempstead were there to give to the distinguished visitors emphatic views of the Mormon leaders, consonant with the early relations between the City and Camp Douglas, when its guns were planted on the city and its provost guard paraded our streets; the Federal officers were there to ask for special legislation, the removal of Chief Justice Wilson and Secretary Mann, and the appointment of such men as were soon afterwards sent by President Grant, in the persons of Governor Shaffer and Judge McKean, all aiming to make the Federal power absolute in the control of the affairs of the Territory; and the non-Mormon merchants were there to represent to the Chicago merchants the commercial crisis of that period, in which, to use the phrase of the time, they were "left out in the cold," by the establishing of Zion's Co-operative Mercantile Institution.

The two large rooms of Mr. Walker's residence were filled. Over forty persons were present. The munificent host had abundantly suppled his distinguished guests with champagne. Colfax and his friends, on their first visit to our city, fell upon strawberry beds, and discussed social problems with Brigham and the apostles over the dinner table, where the blessing was surely asked and "peace" and the "good Spirit" invoked. But this meeting was belligerent. Champagne was better suited to its purposes than either strawberries or blessings. The spirit of war was invoked rather than the "good spirit of peace." There was, they say, that day "the fullest and freest expression that had ever occurred in Utah," all of course

with a strong, decided anti-Mormon animus and aim. "Everybody gave vent;" "war talk ran around;" Senator Trumbull related to the company that famous conversation between him and President Young, in which the latter had said to the effect that, if the Federal officers didn't behave themselves, he would have them ridden out of the city; and from this meeting the report of that conversation between Senator Trumbull and President Young ran throughout the United States; and gave to Vice-President Colfax the advantage to push General Grant almost to the verge of actual war against Mormon Utah. Such was the bearing of that counsel held at the house of Mr. J. R. Walker, over Utah affairs, in July, 1869.

The telegrams from San Francisco brought news that on the return of the Vice-President from the "Golden State" he would tarry for several days in Salt Lake City.

At a meeting of the City Council, held at the City Hall, October 1st, 1869, Aldermen Clinton, Richards and Pyper, committee, presented the following preamble and resolution, which were unanimously adopted:

"*Whereas*, His Excellency Schuyler Colfax, Vice-President of the United States, and party, are about to visit our city on their way returning from California to the East, and being desirous to contribute to their pleasure by extending to them a cordial welcome;

"*Therefore, be it resolved* by the City Council of Salt Lake City, that the hospitalities of said city be tendered to the Vice-President and party, during their stay, as a feeble but hearty demonstration of our sympathies with a great Nation, who have by their suffrages, conferred upon him such eminence in their political existence, and that appropriate committees be appointed to carry this resolution into effect."

In pursuance of the foregoing, Alderman S. W. Richards and Councilor Theodore McKean were appointed a committee on behalf of the Council to meet said party, with suitable coaches at Uintah Station and accompany them to the city.

Mayor D. H. Wells, Hon. W. H. Hooper, Alderman J. Clinton and Marshal J. D. T. McAllister were appointed a committee of reception, on arriving at the Townsend House, in this city, where ample arrangements would be made for entertainment during their stay.

On the 3rd of October, the delegation from the City Council met the Colfax party at Uintah Station, from which point the party was escorted to the city, where they arrived in the afternoon, and were received by the reception committee, headed by Mayor Wells and Hon. W. H. Hooper, who was at that time our Delegate to Congress. The hospitalities of the city was tendered to "the distinguished visitors," who, however, declined on the ground that the party was traveling in a strictly private capacity; and having spent a brief, but seemingly cordial interview with the representatives of the city, the Vice-President excused himself and party on account of fatigue, etc., of the journey.

It was understood, however, by this time, that the vice-President entertained a deep and abiding resentment towards the Mormon leaders, and an utter indis-

position for further intercourse with the "fathers," either of the Church or the city. Mr. Stenhouse, in his book, thus notes the cause of the offense:

"Mr. Colfax politely refused to accept the proffered courtesies of the city. Brigham was reported to have uttered abusive language in the Tabernacle towards the Government and Congress, and to have charged the President and vice-President with being drunkards and gamblers. One of the aldermen who waited upon Mr. Colfax, to tender him the hospitalities of the city, could only say that 'he did not hear Brigham say so.' The weakness of the denial confirmed the information obtained from so many sources that the Prophet had really said so, and Mr. Colfax followed his own programme during his stay."

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## CHAPTER XLV.

THE VICE-PRESIDENT ARRANGING FOR WAR ON THE SAINTS. HE IS LET INTO THE SECRET OF THE PROJECTED GODBEITE SCHISM AND ENCOURAGES IT. HIS QUESTION—"WILL BRIGHAM YOUNG FIGHT?" OUTBURST OF THE SCHISM. THE NEW YORK *HERALD* SENDS ON A SPECIAL AGENT WITH INSTRUCTIONS TO SUPPORT THE SECEDERS.

There can be no doubt that Vice-President Colfax came up to Utah this time with a war programme very nearly perfected in his mind. His deep chagrin at the indignity which he believed Brigham Young had put upon the Government and himself, had made him the uncompromising enemy of the apostolic head of Mormondom, and the institutions and rule that seemed to derive life from his potent administration and his supreme will. Colfax, in fact, had resolved on the entire overthrow of Brigham Young and the domination of the Mormon hierarchy over Utah. He had unquestionably represented to President Grant that Mormondom was nothing less than a standing Rebeldom, which, ever and anon, hurled defiance or insult in the face of the general Government, and that Brigham Young had been at the head and front of it for a quarter of a century. To be convinced, with a man like Grant, was to resolve to conquer "Polygamic Theocracy" by a Federal rule in Utah as iron-heeled as that placed upon any of the rebel States of the South. The method generally approved by the country at that time was to work up the action by the most summary Congressional legislation, and to consummate it by military force. Hence, at that moment, the entire country looked upon another Mormon war as imminent, for an internal revolution had not been dreamt of then by the Government, or thought possible by any outside observer. It was under such an aspect of affairs that the Colfax party made its second visit to Utah; and his coming practically meant a warning to the Mormon people, or a proclamation of the war intentions of the Government, just as they chose.

W. S. Goldie

The arrival of the Vice-President found the Jew and Gentile merchants in consternation over co-operation. The Federal officers were in despair of ever being able to grapple with the problem, without military invasion of the situation, and the whole Gentile population saw themselves about to be more than ever "left out in the cold." Even the Walker Brothers were almost inclined to end their long controversy with the Church and leave Utah to her fate. But Colfax sought to rekindle the smouldering fire of a radical Gentile antagonism and pledged to the opposition the support of the Government to all intents and purposes.

Just at this crisis, it was deemed prudent, by certain of the confidants, to entrust the Vice-President with the secret that a number of influential Elders who were capable of controlling the commercial issue of the times, and able to affect Mormondom by the local press, were actually on the eve of revolution. This was better, even, than Mr. Colfax could have hoped to arrange by his visit and official encouragement; but, at first, he seemed more desirous to see these Mormon Protestants enlist in a crusade inaugurated by the Government, than that they should occupy the situation by a reform movement. A "Utah Expedition," sent by General Grant, would be thorough in its work and speedy in its cure. On the other hand a Protestant reform movement would be conservative, peaceful and necessarily slow in its issues.

The Vice-President put himself in communication with the heretics. Mr. Stenhouse was honored with a long drive and a confidential chat with him, before his departure from the city of the Saints.

"*Will Brigham Young fight?*" enquired Mr. Colfax, bringing the question home to the issue that he most desired.

"For God's sake, Mr. Colfax!" exclaimed Stenhouse, "keep the United States off. If the Government interferes and sends troops, you will spoil the opportunity, and drive the thousands back into the arms of Brigham Young, who are ready to rebel against the 'one-man power.' Leave the Mormon elders alone to solve their own problems. We can do it; the Government cannot. If you give us another Mormon war, we shall heal up the breach, go back in full fellowship with the church and stand by the brethren. What else could we do? Our families, friends and life-companions are all with the Mormon people. Mr. Colfax, take my word for it, the Mormons will fight the United States, if driven to it in defense of their faith, as conscientious religionists always have fought. The Mormons are naturally a loyal people. They only need to be broken off from the influence of Brigham Young. Depend upon it, Mr. Colfax, the Government had better let us alone with this business, simply giving its protection to the 'New Movement men.'"

These were substantially the pleadings of Mr. Stenhouse to the significant question of Vice-President Colfax—"Will Brigham Young fight?"

Mr. S. related to me the conversation between himself and the Vice-President on the same day of this fortunate ride and timely discussion of the Utah question. Stenhouse's replies will show the tenor of the Vice-President's own remarks, without my presuming to reproduce him from memory. His capital

words, however—"Will Brigham Young fight?" were driven like a nail into the minds of the elders who were just about to commence their schism.

Nor was the conversation between Mr. Stenhouse and the Vice-President upon the Mormon question and the crisis of the hour, unsupported by similiar views and utterances, to members of the Government and to Federal officials, by the men who were undertaking to revolutionize Utah and her institutions. They believed that they could affect Mormondom to its centre for good, or at least bring over a large class of influential elders into a Protestant movement with a very respectable following.

In briefly reviewing the events of those times Mr Stenhouse himself has said: "The Vice-President and his friends were made acquainted with the forthcoming opposition from members of the Church, and took much interest in the 'Movement,' believing as they did that the one man power and the infallibility of the priesthood had seen their day."

As the "New Movement" was fostered by the United States Government, and became the nucleus of the "Liberal Party" of Utah, it is historically proper to give it a circumstantial narrative. In coupling the "New Movement" with the visit of Vice-President Colfax to our City, Mr. Stenhouse says:

"Another and unlooked-for phase of Mormon experience was soon to demand public attention. Two elders were trying to establish a literary paper—*The Utah Magazine*—the proprietors were W. S. Godbe and E. L. T. Harrison; the latter was the editor. Elder Harrison had essayed once before, with his friend Edward W. Tullidge, to make literature a profession among the Saints, and had established the *Peep O' Day;* but they met with insurmountable difficulties, and the paper stopped. The *Magazine*, with even Mr. Godbe's willing hand and ready purse to support it, realized that the effort to establish a purely literary paper in Utah was premature. The career of the *Magazine* was fast hastening to a close, and by way of rest and recreation, the editor accompanied the merchant to New York. * * *

"Away from Utah, and traveling over the Plains, the old rumbling stage coach afforded the two friends, as every traveler in those days experienced, an excellent opportunity for reflection. On their way, they compared notes respecting the situation of things at home, and spoke frankly together of their doubts and difficulties with the faith. They discovered, clearly enough that they were—in the language of the orthodox—'on the road to apostasy,' yet in their feelings they did not want to leave Mormonism or Utah. A struggle began in their minds.

"One proposition followed another, and scheme after scheme was the subject of discussion, but not one of those schemes or propositions, when examined, seemed desirable; they were in terrible mental anguish. Arrived in New York and comfortable in their hotel, in the evening they concluded to pray for guidance. They wanted light, either to have their doubts removed and their faith in Mormonism confirmed, or yet again to have the light of their own intellects increased that they might be able to follow unwaveringly their convictions. In this state of mind the two elders assert that they had an extraordinary spiritualistic experience. * * * *

"They returned to Utah, and to a very small circle of friends confided what

B. L. T. Harrison,

has here been only very briefly related, and their story was listened to. Elder Eli B. Kelsey, a Mormon of twenty-seven years standing, and who was also a president of Seventies, was the intimate friend of Mr. Godbe, and Edward W. Tullidge another 'Seventy,' was the bosom friend of Mr. Harrison. Elder Henry W. Lawrence, a wealthy merchant, a bishop's counsellor, and a gentleman of the highest integrity, was early informed in confidence of this "New Movement," and gave to his friend, Mr. Godbe, valuable material support. The *Magazine*, that had before this been hastening to an end, took a new lease of life, and be came a brilliant, well-conducted paper."

During the absence of the merchant Godbe and Elder Harrison, in the fall of 1868, the co-operative institution had been projected; and it is quite a curious fact, seeing it afterwards antagonized the policies of President Young, that the *Utah Magizine*, which had been left in the charge of Tullidge, had for several weeks vigorously and enthusiastically sustained the co-operative movement; this, however, was fairly paralled by the other fact that Henry W. Lawrence was one of the first pillars of Z. C. M. I.

The organization was effected in the beginning of 1869, with a president, vice-president, and five directors. Brigham Young, president, Delegate Hooper, vice-president, George A. Smith, George Q. Cannon, Horace Eldredge, Wm. Jennings and Henry W. Lawrence, directors; Wm. Clayton, secretary; H. B. Clawson, superintendent.

At the very time when this organization was formed, the "New Movement" had already been resolved upon; so that though Henry W. Lawrence put $30,000 into the Z. C. M. I. and became one of its directors, he was, to so express the historical complexity, a "New Movement" leader. The force of circumstances in those times, compelled the members of the "New Movement" to wait for the development of events which depended upon the action of President Young himself. There was nearly a total suspension. The very times hung on the man. He had been the "Man of Destiny" to Utah, and was still.

During this period of suspension, there was abundance of opportunity for pause and reconsideration. There was *a year's* intellectual incubation before the "Movement" opened.

Having by their preliminary action provoked their excommunication from the Church, the Godbeite leaders, on Sunday, December 19, 1869, commenced public meetings in Salt Lake City, opening in the Thirteenth Ward Assembly Rooms, which was granted to them by President Young himself, on the application of Messrs. Godbe and Lawrence, through Bishop Woolley.

Immediately on the opening of the Movement, E. W. Tullidge wrote officially for his party to the *New York Herald*. The design was to impress upon the public mind the fact that an important Mormon schism had begun; that it would be vigorously prosecuted; that it would infuse Mormondom with new ideas, harmonious with the age, and that in time a peaceful revolution would be wrought out by the Mormons themselves, resulting in the very condition of things which the country desired to see in Utah. The *New York Herald* took similar views and urged them upon the American public by strong timely editorials on the Utah question. Nearly all the journals in the country followed in the wake, proclaim-

ing "a great Mormon schism," and declaring the wisdom of "letting the Mormons alone to solve their own problem."

Of such importance did the events, which were at that crisis occuring in Salt Lake City seem to the American public, that, immediately on the receipt of Tullidge's letter, the New York *Herald* despatched one of its chief special correspondents—Colonel Findley Anderson—formerly its principal correspondent in Europe. Colonel Anderson's brother was also the private and confidential secretary of young James Gordon Bennett. The reason of Bennett's sending so important a "special" to Salt Lake City was that the New York *Herald* might have on the spot one trusted to fully represent the leading journal of the country, while through its editorial columns it gave advice and impulse to the Government and the public touching Utah affairs in that crisis. Colonel Anderson was instructed to support the New Movement leaders, as well as to report their doings, and the influence of their action in Mormon society. The Harpers also, and George W. Curtis, indeed the whole staff of the Harpers, manifested an extraordinary interest in this "reformation in Utah," as the "Utah Schism" was styled in *Harper's Weekly* and *Monthly*; while the Springfield (Mass.) *Republican* petted the New Movement with a paternal spirit. Mr. Bowles' forecasting seemed to be at that moment fully realized. The New York *Tribune* was the only one of the great papers of the country that did not seem quite satisfied with the New Movement, and this was because the *Tribune* feared it lacked sufficient revolutionary force and determination to break up the "powerful Mormon hierarchy of Brigham Young." It was to Mr. Greeley and Whitelaw Reid merely another Mormon Church. The philosophers of the New York *Tribune* were not so far seeing and knowing as the Utah Gentiles, who were about to make this "other" Mormon Church the nucleus of an anti-Mormon political party.

On the part of the Government, from the onset, it gave countenance and favor to the Godbeite rebellion, and would have supported it by its military arm, had the opportunity occurred; but this very movement against the parent Church, composed of apostate Mormon elders and leading Salt Lake merchants, prevented the interposition of the military arm, and greatly changed and modified the original intentions of the Government, as inspired by Vice-President Colfax, and determined by President Grant.

## CHAPTER XLVI.

FAMOUS DISCUSSION BETWEEN VICE-PRESIDENT COLFAX AND APOSTLE JOHN TAYLOR. SPEECH OF THE VICE-PRESIDENT AT SALT LAKE CITY. APOSTLE TAYLOR'S REPLY AND ANSWER TO THE COLFAX LETTER.

The review of Mormon affairs as made between Vice-President Colfax and Apostle John Taylor, afterward President of the Mormon Church, may properly be embodied as a representative chapter of this history; as the utterances of President Taylor very closely apply to the aspect of Utah's case at the present time, 1885. The review opens with Mr. Colfax's speech delivered on the portico of the Townsend House, Salt Lake City, October 5th, 1869:

"*Fellow Citizens:*—I come hither in response to your call to thank the band from Camp Douglas for the serenade with which they have honored me, and to tender my obligations to the thousands before me, for having come from their homes and places of business 'to speed the parting guest.'

"As I stand before you, to-night, my thoughts go back to the first view I ever had of Salt Lake City, four years ago last June. After traveling with my companions, Gov. Bross and Mr. Bowles, who are with me again, and Mr. Richardson, whose absence we have all regretted, over arid plains, and alkali valleys, and barren mountains, day after day, our stage coach emerged from a canyon one morning, and we looked down upon your city, covering miles in its area, with its gardens, green with fruit trees and shrubbery, and the Jordan, flashing in the sun beyond. And when, after stopping at Camp Douglas, which overlooks your city, to salute the flag of our country, and honor the officers and soldiers who keep watch and ward over it at this distant post, we drove down with your common council to the city, and saw its wide streets, and the streams which irrigate your gardens, rippling down all of them in their pebbly beds, I felt indeed that you had a right to regard it as a Palmyra in the desert. Returning now, with my family and friends, from a long journey on the Pacific coast, extending north to where the Columbia river tears its way through the mighty range which bars the way for all other rivers from the British to the Mexican line, we came to your city by the stage route from the railroad, through the fertile region that lines your lake shore, and find it as beautiful and attractive in its affluence of fruits and flowers as when we first visited it.

"I am gratified too, that our present visit occurred at the same time with your Territorial Fair, enabling us to witness your advance in the various branches of industry. I was specially interested in the hours I spent there, yesterday, with some of your leading citizens, in your cotton manufactures from the cotton you

raise in Southern Utah, your woolen manufactures, the silk manufacture you have recently inaugurated, your leather and harness, the porcelain, which was new to me, your furniture, your paintings, and pictures, the fancy work of the ladies, and the fruits and vegetables which tell their own story of the fertility of your soil. I rejoice over every indication of progress and self-reliance in all parts of the Union, and hope you may realize, by further development, how wise and beneficial such advancement is to communities like yours, remote from the more thickly settled portions of the Republic.

"I have enjoyed the opportunity, also, of visiting your Tabernacle, erected since I was here before, the largest building in which religious services are held on the continent, and of listening to your organ, constructed here, which, in its mammoth size, its volume of sound, and sweetness of tone, would compare favorably with any in the largest cities in the Union. Nor did I feel any the less interest on my present, than on my former visit, in listening to your leading men in their places of worship, as they expounded and defended their faith and practice, because that faith and practice differed so widely from my own. Believing in free speech, as all of us should, I listened attentively, respectfully, and courteously, to what failed to convince my mind, and you will doubtless hear me with equal patience, while I tell you frankly wherein we differ.

"But first let me say that I have no strictures to utter as to your creed on any really religious question. Our land is a land of civil and religious liberty, and the faith of every man is a matter between himself and God alone. You have as much right to worship the Creator through a president and twelve apostles of your church organization as I have through the ministers and elders and creed of mine. And this right I would defend for you with as much zeal as the right of every other denomination throughout the land. But our country is governed by law, and no assumed revelation justifies any one in trampling on the law. If it did, every wrong-doer would use that argument to protect himself in his obedience to it. The Constitution declares, in the most emphatic language, that that instrument and the laws made in conformity thereto, shall be the supreme law of the land. Whether liked or disliked, they bind the forty millions of people who are subject to that supreme law. If any one condemns them as unconstitutional, the courts of the United States are open, before which they can test the question. But, till they are decided to be in conflict with the Constitution, they are binding upon you in Utah as they are on me in the District of Columbia, or on the citizens of Idaho and Montana. Let me refer now to the law of 1862, against which you especially complain, and which you denounce Congress for enacting. It is obeyed in the other Territories of the United States, or if disobeyed its violation is punished. It is not obeyed here, and though you often speak of the persecutions to which you were subject in the earlier years of your church, you cannot but acknowledge that the conduct of the government and the people of the United States towards you, in your later years, has been one of toleration, which you could not have realized in any other of the civilized nations of the world.

"I do not concede that the institution you have established here, and which is condemned by the law, is a question of religion. But to you who do claim it as such, I reply, that the law you denounce, only re-enacts the original prohibitions

of your own Book of Mormon, on its 118th page,* and your Book of Doctrine and Covenants, in its chapter on marriage; and these are the inspired records, as you claim them, on which your church was organized.

"The Book of Mormon, on the same page, speaks twice of the conduct of David and Solomon, as 'a grosser crime,' and those who follow their practice as 'waxing in iniquity.' The Book of Doctrine and Covenants is the discipline and creed of your church; and in its chapter on marriage, it declares, that as the Mormon church has been charged with the crimes of fornication and polygamy, it is avowed as the law of the church, that a man shall have but one wife, and a woman but one husband, till death shall part them.

"I know you claim that a subsequent revelation annulled all this; but I use these citations to show you that the Congressional law, which you denounce, only enacted what was the original and publicly proclaimed and printed creed on which your church was founded. And yet, while you assume that this later revelation gives you the right to turn your back on your old faith and disobey the law, you would not yourselves tolerate others in assuming rights for themselves under revelations they might claim to have received, or under religions they might profess. The Hindoos claim, as part of their religion, the right to burn widows with the dead bodies of their husbands. If they were to attempt it here, as their religion, you would prevent it by force. If a new revelation were to be proclaimed here, that the strong men should have the right to take the wives of the weaker men, that the learned men should take the wives of the unlearned, that the rich men should take the wives of the poor, that those who were powerful and influential should have the right to command the labor and the services of the humbler, as their bond-slaves, you would spurn it, and would rely upon the law and the power of the United States to protect you.

"But you argue that it is a restraint on individual freedom; and that it concerns only yourselves. Yet you justify these restraints on individual freedom in everything else. Let me prove this to you. If a man came here and sought to establish a liquor saloon on Temple street without license, you would justify your common council, which is your municipal congress, in suppressing it by force, and punishing the offender besides. Another one comes here and says that he will pursue his legitimate avocation of bone-boiling on a lot in the heart of your city. You would expect your council to prevent it, and why? Because you believe it would be offensive to society and to the people around him. And still another says, that as an American citizen he will establish a powder mill on a lot he has purchased, next door to this hotel, where we have been so hospitably entertained. You would demand that this should be prevented, because it was obnoxious to the best interests of the community. I might use other illustrations as to personal conduct which you would insist should be restrained, although it fettered personal freedom, and the wrong-doer might say only concerned himself. But I have ad-

*The Book of Mormon denounces David and Solomon for having "many wives and concubines which thing was abominable before me, saith the Lord." "Wherefore I, the Lord God, will not suffer that this people shall do like unto them of old. Wherefore, my brethren, hear me and harken to the word of the Lord; for there shall not any man among you have save but one wife, and concubines he shall have none, for I, the Lord, delighteth in the chastity of women."

duced sufficient to justify Congress in an enactment they deemed wise for the whole people for whom they legislated. And I need not go further to adduce other arguments as to the elevation of woman; for my purpose has been in these remarks, to indicate the right of Congress to pass the law and to insist on obedience to it.

"One thing I must allude to, personal to myself. The papers have published a discourse delivered last April by your highest ecclesiastical authority, which stated that the President and Vice-President of the United States were both gamblers and drunkards. (Voices in the crowd, 'He did not say so.') I had not heard before that it was denied, but I am glad to hear the denial now. Whether denied or not, however, I did not intend to answer railing with railing, nor personal attack with invective. I only wished to state publicly in this city, where the charge is said to have been made, that it was utterly untrue as to President Grant, and as to myself, that I never gambled to the value of a farthing, and have been a total abstinence man all the years of my manhood. However I may differ on political questions or others from any portion of my countrymen, no one has ever truthfully assailed my character. I have valued a good character far more than a political reputation or official honors, and wish to preserve it unspotted while life shall last.

"A few words more and I must conclude. When our party visited you four years ago, we all believed that, under wise counsels, your city might become the great city of the interior. But you must allow me to say that you do not seem to have improved these opportunities as you might have done. What you should do to develop the advantages your position gives you, seems obvious. You should encourage, and not discourage competition in trade. You should welcome, and not repel, investments from abroad. You should discourage every effort to drive capital from your midst. You should rejoice at the opening of every new store, or factory, or machine shop, by whomsoever conducted. You should seek to widen the area of country dependent on your city for supplies. You should realize that wealth will come to you only by development, by unfettered competition, by increased capital.

"Here I must close. I have spoken to you, face to face, frankly, truthfully, fearlessly. I have said nothing but for your own good. Let me counsel you once more to obedience to the law, and thanking you for the patient hearing you have given me, and for the hospitalities our party have received, both from Mormon and Gentile citizens, I bid you all good night and good bye."

"AMERICAN HOUSE, BOSTON, MASS.,
"October 20th, 1869.

"*To the Editor of the Deseret Evening News:*

"DEAR SIR—I have read with a great deal of interest the speech of the Hon. Schuyler Colfax, delivered in Salt Lake City, October 5th, containing strictures on our institutions, as reported in the Springfield *Republican*, wherein there is an apparent frankness and sincerity manifested. It is pleasant, always, to listen to sentiments that are bold, unaffected and outspoken; and however my views may differ—as they most assuredly do—from those of the Hon. Vice-President of the United States, I cannot but admire the candor and courtesy manifested in

the discussions of this subject; which, though to him perplexing and difficult, is to us an important part of our religious faith.

"I would not, however, here be misunderstood; I do not regard the speech of Mr. Colfax as something indifferent or meaningless. I consider that words proceeding from a gentleman occupying the honorable position of Mr. Colfax, have their due weight. His remarks, while they are courteous and polite, were evidently calmly weighed and cautiously uttered, and they carry with them a significance, which I, as a believer in Mormonism, am bound to notice; and I hope with that honesty and candor which characterize the remarks of this honorable gentleman.

"Mr. Colfax remarks:

"'I have no strictures to offer as to your creeds on any really religious question. Our land is a land of civil and religious liberty, and the faith of every man is a matter between himself and God alone; you have as much right to worship the Creator, throught a president and twelve apostles of your church organization, as I have through the ministers and elders and creed of mine; and this right I would defend for you with as much zeal as the right of any denomination throughout the land.'

"This certainly is magnanimous and even-handed justice, and the sentiments do honor to their author; they are sentiments that ought to be engraven on the heart of every American citizen.

"He continues:

"'But our country is governed by law and no assumed revelation justifies any one in trampling on the law.'

"At first sight this reasoning is very plausible, and I have no doubt that Mr. Colfax was just as sincere and patriotic in the utterance of the latter as the former sentences; but with all due deference permit me to examine these words and their import.

"That our country is governed by law we all admit; but when it is said that 'no assumed revelation justifies any one in trampling on the law;' I should respectfully ask, what! not if it interferes with my religious faith, which you state 'is a matter between God and myself alone?' Allow me, sir, here to state that the assumed revelation referred to is one of the most vital parts of our religious faith; it emanated from God and cannot be legislated away; it is part of the 'Everlasting Covenant' which God has given to man. Our marriages are solemnized by proper authority; a woman is sealed unto a man for time and for eternity, by the power of which Jesus speaks, which 'sealed on earth and it is sealed in heaven.' With us it is 'Celestial Marriage;' take this from us and you rob us of our hopes and associations in the resurrection of the just. This is not our religion? You do not see things as we do. Your marry for time only, 'until death does you part.' We have eternal covenants, eternal unions, eternal associations. I cannot, in an article like this, enter into details, which I should be pleased on a proper occasion to do. I make these remarks to show that it is considered, by us, a part of our religious faith, which I have no doubt did you understand it as we do, you would defend, as you state, 'with as much zeal as the right of every other denomination throughout the land.' Permit me here to say,

however, that it was the revelation (I will not say assumed) that Joseph and Mary had, which made them look upon Jesus as the Messiah; which made them flee from the wrath of Herod, who was seeking the young child's life. This they did in contravention of law, which was his decree. Did they do wrong in protecting Jesus from the law? But Herod was a tyrant. That makes no difference; it was the law of the land, and I have yet to learn the difference between a tyrannical king and a tyrannical Congress. When we talk of executing law in either case, that means force,—force means an army, and an army means death. Now I am not sufficiently versed in metaphysics to discover the difference in its effects, between the asp of Cleopatra, the dagger of Brutus, the chalice of Lucretia Borgia, or the bullet or sabre of an American soldier.

"I have, sir, written the above in consequence of some remarks which follow:

"'I do not concede that the institution you have established here, and which is condemned by the law, is a question of religion.'

"Now, with all due deference, I do think that if Mr. Colfax had carefully examined our religious faith he would have arrived at other conclusions. In the absence of this I might ask, who constituted Mr. Colfax a judge of my religious faith? I think he has stated that 'the faith of every man *is a matter between himself and God alone.*'

"Mr. Colfax has a perfect right to state and feel that he does not believe in the revelation on which my religious faith is based, nor in my faith at all; but has he the right to *dictate* my religious faith? I think not; he does not consider it religion, but it is nevertheless mine.

"If a revelation from God is not a religion, what is?

"His not believing it from God makes no difference; I know it is. The Jews did not believe in Jesus but Mr. Colfax and I do; their unbelief did not alter the revelation.

"Marriage has from time immemorial, among civilized nations, been considered a religious ordinance. It was so considered by the Jews. It is looked upon, by the Catholic clergy, as one of their sacraments. It is so treated by the Greek Church. The ministers of the Episcopal Church say, in their marriage formula, 'What *God has joined together*, let not *man* put asunder;' and in some of the Protestant churches their members are disfellowshipped for marrying what are termed unbelievers. So I am in hopes, one of these times, should occasion require it, to call upon our friend, Mr. Colfax, to redeem his pledge.

"'To defend for us our religious faith, with as much zeal as the right of every other denomination throughout the land.'

"I again quote:

"'But to you who do claim it as such, I reply that the law that you denounce only re-enacts the original prohibition of your own Book of Mormon, on its 118th page, and your Book of Doctrine and Covenants, in its chapter on marriage.'

"In regard to the latter of these I would state that it was only considered a portion of the discipline of our Church, and was never looked upon as a revelation. It was published in the appendix to the Book of Doctrine and Covenants long before the revelation concerning Celestial Marriage was given. That, of course, superseded the former. The quotation from the Book of Mormon, given

by Mr. Colfax, is only partly quoted. I cannot blame the gentleman for this: he has many engagements without examining our doctrines. I suppose this was was handed to him. Had he read a little further he would have found it stated:

'"For if I will, saith the Lord of Hosts, raise up seed unto me I will command my people; otherwise they shall hearken unto these things.'

"In answer to this I say the Lord has commanded and we obey the command.

"I again quote:

"And yet while you assume that this later revelation gives you the right to turn your back on your old faith and to disobey the law, you would not yourselves tolerate others in assuming rights for themselves under revelations they might claim to have received, or under religions they might profess.'

"Mr. Colfax is misinformed here. All religions are tolerated by us, and all revelations or assumed revelations. We take the liberty of disbelieving some of them; but none are interfered with. And in relation to turning our back on our old religion we have never done it.

"Concerning our permitting the Hindoos to burn their widows, it is difficult to say what we should do. The British government has tolerated both polygamy and the burning of Hindoo widows in India. If the Hindoos were converted to our religion they would not burn their widows; they are not likely to come to Utah without. Whose rights have we interfered with? Whose property have we taken? Whose religious or political faith or rights have been curtailed by us? None. We have neither interfered with Missouri nor Illinois; with Kansas, Nebraska, Idaho, Nevada, Montana, California, nor any other State or Territory. I wish we could say the same of others, I hope we shall not be condemned for crimes we are expected to commit. It will be time enough to atone for them when done. We do acknowledge having lately started co-operative stores. Is this anything new in England, Germany, France or the United States? We think we have a right, as well as others, to buy and sell of and to whom we please. We do not interrupt others in selling, if they can get customers. We have commenced to deal with our friends. We do acknowledge that we are rigid in the enforcement of law against theft, gambling, debauchery and other civilized vices. Is this a crime? If so, we plead guilty.

"But permit me here to return to the religious part of our investigations; for if our doctrines are religious, then it is confessed that Congress has no jurisisdiction in this case and the argument is at an end. Mr. Webster defines religion as '*any system of faith and worship*, as the religion of the Turks, of Hindoos, of Christians.' I have never been able to look at religion in any other light. I do not think Mr. Colfax had carefully digested the subject when he said 'I do not concede that the institution you have established here, and which is condemned by law, is a question of religion.'

"Are we to understand by this that Mr. Colfax is created an umpire to decide upon what is religion and what is not, upon what is true religion and what is false? If so, by whom and what authority is he created judge? I am sure he has not reflected upon the bearing of this hypothesis, or he would not have made such an utterance.

"According to this theory no persons ever were persecuted for their religion,

there never was such a thing known. Could anybody suppose that that erudite, venerable, and profoundly learned body of men,—the great Sanhedrim of the Jews; or that those holy men, the chief priests, scribes and pharisees, would persecute any body for religion? Jesus was put to death,—not for his religion—but because he was a blasphemer: because he had a devil and cast out devils, through Beelzebub the prince of devils; because he, being a carpenter's son, and known among them as such, declared himself the Son of God. So they said, and they were the then judges, Could anybody be more horrified than those Jews at such pretensions? His disciples were persecuted, proscribed and put to death, not for their religion, but because they 'were pestilent fellows and stirrers up of sedition,' and because they believed in an 'assumed revelation' concerning 'one Jesus, who was put to death, and who, they said, had risen again.' It was for false pretensions and a lack of religion that they were persecuted. Their religion was not like that of the Jews; ours, not like that of Mr. Colfax.

"Loyola did not invent and put into use the faggot, the flame, the sword, the thumbscrews, the rack and gibbet to persecute anybody, it was to purify the church of heretics, as others would purify Utah. His zeal was for the Holy Mother Church. The Nonconformists of England and Holland, the Hugenots of France and the Scottish Covenanters were not persecuted or put to death for their religion; it was for being schismatics, turbulent and unbelievers. Talk of religion, what horrid things have not been perpetrated in its name! All of the above claimed that they were persecuted for their religion. All of the persecutors, as Mr. Colfax said about us, did 'not concede that the institution they had established, which was condemned by the law, was religion;' or, in other terms, it was an imposture or false religion. What of the Quakers and Baptists of New England?

"You say we complain of persecution. Have we not cause to do it? Can we call our treatment by a milder term? Was it benevolence that robbed, pillaged and drove thousands of men, women and children from Missouri, was it Christian philanthropy that, after robbing, plundering, and ravaging a whole community, drove them from Illinois into the wilderness among savages?

"When we fled as outcasts and exiles from the United States we went to Mexican Territory. If not protected we should have been at least unmolested there. Do you think, in your treaty with Mexico, it was a very merciful providence that placed us again under your paternal guardianship? Did you know that you called upon us in our exodus from Illinois for 500 men, which were furnished while fleeing from persecution, to help you to possess that country; for which your tender mercies were exhibited by letting loose an army upon us, and you spent about forty millions of dollars to accomplish our ruin? Of course we did not suffer; "religious fanatics" cannot feel: like the eels the fishwoman was skinning, "we have got used to it." Upon what pretext was this done? Upon the false fabrications of your own officers, and which your own Governor Cumming afterwards published as false. Thus the whole of this infamous proceeding war predicated upon falsehood, originating with your own officers and afterwards exposed by them. Did Government make any amends, or has it ever done it? Is it wrong to call this persecution? We have learned to our cost "that the king can do no

wrong." Excuse me, sir, if I speak warmly. This people have labored under accumulated wrongs for upwards of thirty years past, still unacknowledged and unredressed. I have said nothing in the above but what I am prepared to prove. What is all this for? Polygamy? No—that is not even pretended.

Having said so much with regard to Mr. Colfax's speech, let me now address a few words to Congress and to the nation. I hope they will not object for I too am a teacher. And first let me inquire into the law itself, enacted in 1862. The revelation on polygamy was given in 1843, nineteen years before the passage of the Congressional act. We, as a people, believe that revelation is true and came from God. This is our religious belief; and right or wrong it is still our belief; whatever opinions others may entertain it makes no difference to our religious faith. The Constitution is to protect me in my religious faith, and other persons in theirs, as I understand it. It does not prescribe a faith for me, or any one else, or authorize others to do it, not even Congress. It simply protects us all in our religious faiths. This is one of the Constitutional rights reserved by the people. Now who does not know that the law of 1862 in relation to polygamy was passed on purpose to interfere with our religious faith? This was as plainly and distinctly its object as the proclamation of Herod to kill the young children under two years old, was meant to destroy Jesus; or the law passed by Pharaoh in regard to the destruction of the Hebrew children, was meant to destroy the Israelites. If a law had been passed making it a penal offense for communities, or churches, to forbid marriage, who would not have understood that it referred to the Shaking Quakers, and to the priories, nunneries and priesthood of the Catholic Church? This law, in its inception, progress and passage, was intended to bring us into collision with the United States, that a pretext might be found for our ruin. These are acts that no honest man will controvert. It could not have been more plain, although more honest, if it had said the Mormons shall have no more wives than one. It was a direct attack upon our religious faith. It is the old story of the lamb drinking below the wolf, and being accused by it of fouling the waters above. The big bully of a boy putting a chip on his shoulder and daring the little urchin to knock it off.

"But we are graciously told that we have our appeal. True, we have an appeal. So had the Hebrew mothers to Pharaoh; so had Daniel to Nebuchadnezzar; so had Jesus to Herod; so had Cæsar to Brutus; so had those sufferers on the rack to Loyola; so had the Waldenses and Albigenses to the Pope; so had the Quakers and Baptists of New England to the Puritans. Why did they not do it? Please answer.

"Do statesmen and politicians realize what they are doing when they pass such laws? Do they know, as before stated, that resistance to law means force, that force means an army, and that an army means death? They may yet find something more pleasant to reflect upon than to have been the aiders and abettors of murder, to be stained with the blood of innocence, and they may try in vain to cleanse their hands of the accursed spot.

"It is not the first time that Presidents, Kings, Congresses and statesmen have tried to regulate the acts of Jehovah. Pharaoh's exterminating order about the Hebrew infants was one of acknowledged policy. They grew, they increased

too fast. Perhaps the Egyptians had learned, as well as some of our Eastern reformers, the art of infanticide; they may have thought that one or two children was enough and so destroyed the balance. They could not submit to let nature take its vulgar course. But in their refined and polite murders, they found themselves dwindling and decaying, and the Hebrews increasing and multiplying; and no matter how shocking it might be to their refined senses, it stood before them as a political fact, and they were in danger of being overwhelmed by the superior fecundity of the Hebrews. Something must be done; what more natural than to serve the Hebrew children as they had served their own? and this, to us and the Christian world, shocking act of brutal murder, was to them simply what they may have done among themselves; perhaps more politely *a la* Madam Restelle, but not more effectually. The circumstances are not very dissimilar. When Jesus was plotted against by Herod and the infants put to death, who could complain? *It was law:* we must submit to *law.* The Lord Jehovah, or Jesus the Savior of the world, has no right to interfere with *law.* Jesus was crucified *according to law.* Who can complain? Daniel was thrown into a den of lions strictly *according to law.* The King would have saved him, if he could; but he could not resist law. The massacre of St. Bartholomew was in accordance with *law.* The guillotine of Robespierre of France, which cut heads off by the thousand, did it according to *law.* What right had the victims to complain? But these things were done in barbarous ages. Do not let us, then, who boast of our civilization, follow their example; let us be more just, more generous, more forbearing, more magnanimous. We are told that we are living in a more enlightened age. Our morals are more pure (?) our ideas more refined and enlarged, our institutions more liberal. 'Ours,' says Mr. Colfax, 'is a land of civil and religious liberty, and the faith of every man is a matter between himself and God alone," providing God don't shock our moral ideas by introducing something that we don't believe in. If He does let Him look out. We won't persecute, very far be that from us; but we will make our platform, pass Congressional laws and make you submit to them. We may, it is true, have to send out an army, and shed the blood of many; but what of that? It is so much more pleasant to be proscribed and killed according to the laws of the Great Republic, in the 'asylum for the oppressed,' than to perish ignobly by the decrees of kings, through their miserable minions, in the barbaric ages.

"My mind wanders back upwards of thirty years ago, when in the State of Missouri, Mr. McBride, an old gray-haired venerable veteran of the Revolution, with feeble frame and tottering steps, cried to a Missouri patriot: 'Spare my life, I am a Revolutionary soldier, I fought for liberty, would you murder me? What is my offense, I believe in God and revelation?' This frenzied disciple of a misplaced faith said, 'take that, you God d——d Mormon,' and with the butt of his gun he dashed his brains out, and he lay quivering there,—his white locks clotted with his own brains and gore on that soil that he had heretofore shed his blood to redeem—a sacrifice at the shrine of liberty! Shades of Franklin, Jefferson and Washington, were you there! Did you gaze on this deed of blood? Did you see your companion in arms thus massacred? Did you know that thousands of American citizens were robbed, disfranchised, driven, pillaged and murdered,

for these things seem to be forgotten by our statesmen. Were not these murderers punished? Was not justice done to the outraged? No. They were only Mormons, and when the Chief Magistrate was applied to, he replied 'Your cause is just, but I can do nothing for you.' Oh, blessed land of religious freedom! What was this for. Polygamy? No. It was our religion then, it is our religion now. Monogamy or polygamy, it makes no difference. Let me here seriously ask: have we not had more than enough blood in this land? Does the insatiate moloch still cry for more victims?

"Let me here respectfully ask with all sincerity, is there not plenty of scope for the action of government at home? What of your gambling hells? What of your gold rings, your whisky rings, your railroad rings, manipulated through the lobby into your Congressional rings. What of that great moral curse of the land, that great institution of monogamy—*Prostitution?* What of its twin sister —*Infanticide?* I speak to you as a friend. Know ye not that these seething infamies are corrupting and destroying your people? and that like the plague they are permeating your whole social system? that from your gilded palaces to your most filthy purlieus, they are festering and stewing and rotting. What of the thirty thousand prostitutes of New York City and the proportionate numbers of other cities, towns and villages, and their multitudinous pimps and paramours, who are, of course, all, all, honorable men! Here is ample room for the Christian, the philanthropist, and the statesman. Would it not be well to cleanse your own Augean stables? What of the blasted hopes, the tortured and crushed feelings of the thousands of your wives whose whole lives are blighted through your intrigues and lasciviousness? What of the humiliation of your sons and daughters from whom you can not hide your shame? What of the thousands of houseless and homeless children thrown ruthlessly, hopelessly and disgracefully upon the world as outcasts from society, whose fathers and mothers are alike ashamed of them and heartlessly throw them upon the public bounty, the living memorials of your infamy? What of your infanticide, with its murderous, horrid, unnatural, disgusting and damning consequences? Can you legislate for these monogamic crimes, or shall Madam Restell and her pupils continue their public murders and no redress? Shall your fair daughters, the princesses of America, ruthlessly go on in sacrificing their noble children on the altar of this Moloch—this demon? What are we drifting to? This 'bonehouse,' this "powder magazine' is not in Salt Lake City, a thousand miles from your frontiers; it is in your own cities and towns villages and homes. It carouses in your secret chambers, and flaunts in the public highway; it meets you in every corner, and besets you in every condition. Your infirmaries and hospitals are reeking with it; your sons and daughters, your wives and husbands are degraded by it. It extends from Louisiana to Minnesota, and from Maine to California. You can't hide yourselves from it; it meets you in your magazines and newspapers, and is disgustingly placarded on your walls,—a living, breathing, loathsome, festering, damning evil. It runs through your very blood, stares out your eyes and stamps its horrid mark on your features, as indelibly as the mark of Cain; it curses your posterity, it runs riot in the land, withering, blighting, corroding and corrupting the life blood of the nation.

"Ye American Statesmen, will you allow this demon to run riot in the land,

and while you are speculating about a little political capital to be made out of Utah, allow your nation to be emasculated and destroyed? Is it not humiliating that these enormities should exist in your midst, and you, as statesmen, as legislators, as municipal and town authorities, as clergymen, reformers and philanthropists, acknowledge yourselves powerless to stop these damning crimes that are gnawing at the very vitals of the most magnificent nation on the earth? We can teach you a lesson on this matter, polygamists as we are. You acknowledge one wife and her children; what of your other associations unacknowledged? We acknowledge and maintain all of our wives and all of our children; we don't keep a few only, and turn the others out as outcasts, to be provided for by orphan asylums, or turned as vagabonds on the street to help increase the fearfully growing evil. Our actions are all honest, open and above board. We have no gambling hells, no drunkenness, no infanticide, no houses of assignation, no prostitutes. Our wives are not afraid of intrigues and debauchery; nor are our wives and daughters corrupted by designing and unprincipled villains. We believe in the chastity and virtue of women, and maintain them. There is not, to-day, in the wide world, a place where female honor, virtue and chastity, are so well protected as in Utah. Would you have us, I am sure you would not, on reflection, reverse the order of God, and exchange the sobriety, the chastity, the virtue and honor of our institutions, for yours, that are so debasing, dishonorable, corrupting, defaming aud destructive? We have fled from these things, and with great trouble and care have purged ourselves from your evils, do not try to legislate them upon us nor seek to engulf us in your damning vices.

"You may say it is not against your purity that we contend; but against polygamy, which we consider a crying evil. Be it so. Why then, if your system is so much better, does it not bring torth better fruits! Polygamy, it would seem, is the parent of chastity, honor and virtue; Monogamy the author of vice, dishonor and corruption. But you would argue these evils are not our religion; we that are virtuous, are as much opposed to vice and corruption as you are. Then why don't you control it? We can and do. You have your Christian associations, your Young Men's associations, your Magdalen and Temperance associations all of which are praiseworthy. Your cities and towns are full of churches, and you swarm with male and female lecturers, and ministers of all denominations. You have your press, your National and State Legislatures, your police, your municipal and town authorities, your courts, your prisons, your armies, all under the direction of Christian monogamists. You are a nation of Christians. Why are these things not stopped? You possess the moral, the religious, the civil and military power but you don't accomplish it. Is it too much to say 'take the beam out of thine own eye and then shalt thou see clearly to remove the mote that is in thy brother's.'

"Respectfully, etc.,

"JOHN TAYLOR."

It is not necessary to give Mr. Colfax's reply to Apostle Taylor, as his points are all reviewed in the following rejoinder:

"Mr. Colfax has replied to my article by another, published in the New York *Independent*, December 2nd, headed 'The Mormon Question.'

"I have always been taught to reverence men in authority. My religion has not lessened the force of that precept. I am sorry to be under the necessity of differing from the honorable gentleman who stands second in authority in the greatest and freest nation in the world. My motto has always been and now is: Honor to whom honor is due; yet, while I feel bound to pay homage to a man of his talent and position I cannot but realize that 'all men are now free and equal,' and that I live in a land where the press, thought and speech are free. If it had been a personal difference I should have had no controversy with Mr. Colfax, and the honorable gentleman, I am sure, will excuse me for standing up in the defense of what I know to be a traduced and injured people. I would not accuse the gentleman of misrepresentation. I cannot help knowing, however, that he is misinformed in relation to most of his historical details; and justice to an outraged community, as well as truth, requires that such statements should be met and the truth vindicated. I cannot but think that in refusing the proffered hospitality of our city which, of course, he had a perfect right to do, he threw himself among a class of men that were, perhaps, not very reliable in historical data.

"I am not surprised at his apparent prejudices; I can account for his antipathies, but cannot permit Mr. Colfax, even ignorantly, to traduce my friends without defense. He states that 'the demand of the people of Utah Territory for immediate admission into the Union, as a State, made at their recent conference meeting and to be presented by their delegate at the approaching session of Congress, compels the nation to meet face to face, a question which it has apparently endeavored to ignore.'

"Is there anything remarkable in a Territory applying for admission into the Union? How have other States entered the Union since the admission of the first thirteen? Were they not all Territories in their turn, and generally applied to Congress for, and obtained admission? Why should Utah be an exception? She has from time to time, as a constitutional requisition, presented a petition with a constitution containing a republican form of government. Since her application California, Nevada, Kansas, Minnessota, Oregon and Nebraska have been admitted. And why should Congress, as Mr. Colfax says: 'endeavor to ignore Utah?' And why should it be so difficult a question to meet 'face to face?' Has it become so very difficult for Congress to do right? What is the matter? Some remarkable conversation was had between Brigham Young and Senator Trumbull. Now, as I did not happen to hear this conversation, I cannot say what it was. One thing, however, I do know, that I have seen hundreds of distinguished gentlemen call on President Young and they have been uniformly better treated than has been reciprocated. But something was said about United States officers. I am sorry to say that many United States officers have so deported themselves that they have not been much above par with us. They may indeed be satraps and require homage and obeisance; but we have yet to learn to bow the knee. Brigham Young does not generally speak even to a United States Senator with honeyed words and measured sentences; but as an ingenious and honest man. But we are told that 'the recent expulsion of prominent members of his Church for doubting his infallibility proves that he regards his power as equal to any emergency and has a will equal to his power.'

"I am sorry to have to say that Mr. Colfax is mistaken here. No person was ever dismissed from the Church of Jesus Christ of Latter-day Saints for disbelieving in the infallibility of President Young. I do not believe he is infallible, for one; and have so taught publicly. I am in the Church yet. Neither have I ever heard President Young make any such pretensions. Mr. Colfax is a good politician, but he makes sad blunders in polemics. He makes a magnificent Speaker and President of the Senate; I am afraid, however, that as a preacher he would not be so successful. The honorable gentleman now proceeds to divide his subject and commences.

"'I. THEIR FERTILIZING OF THE DESERT.—For this they claim great credit, and I would not detract an iota from all they are legitimately entitled to. It *was* a desert when they first emigrated thither. They have made large portions of it fruitful and productive, and their chief city is beautiful in location and attractive in its gardens and shrubbery. But the solution of it all is in one word—water. What seemed to the eye a desert became fruitful when irrigated, and the mountains, whose crests are clothed in perpetual snow, furnished, in the unfailing supplies of their ravines, the necessary fertilizer.'

"Water! *Mirabile dictu!!* Here I must help Mr. C. out. This wonderful little water nymph, after playing with the clouds on our mountain tops, frolicking with the snow and rain in our rugged gorges for generations, coquetting with the sun and dancing to the sheen of the moon, about the time the 'Mormons' came here took upon herself to perform a great miracle, and descending to the valley with a wave of her magic wand and the mysterious words, "hickory, diccory, dock,' cities and streets were laid out, crystal waters flowed in ten thousand rippling streams, fruit trees and shrubbery sprang up, gardens and orchards abounded, cottages and mansions were organized, fruits, flowers and grain in all their elysian glory appeared and the desert blossomed as the rose; and this little frolicking elf, so long confined to the mountains and water courses proved herself far more powerful than Cinderella or Aladdin. Oh! Jealousy, thou green-eyed monster! Can no station in life be protected from the shimmer of thy glamour! Must our talented and honorable Vice-President be subjected to thy juandiced touch? But to be serious, did water tunnel through our mountains, construct dams, canals and ditches, lay out our cities and towns, import and plant choice fruit-trees, shrubs and flowers, cultivate the land and cover it with the cattle on a thousand hills, erect churches, schoolhouses and factories, and transform a howling wilderness into a fruitful field and garden? If so, why does not the Green River the Snake River, Bear River, Colorado, the Platte and other rivers perform the same prodigies? Unfortunately for Mr. Colfax, it was Mormon polygamists who did it. The Erie, the Welland, the Pennsylvania and Suez canals are only water. What if a stranger on gazing upon the statuary in Washington and our magnificent Capitol, and after rubbing his eyes were to exclaim, 'Eureka! It is only rock and mortar and wood.' This discoverer would announce that instead of the development of art, intelligence, industry and enterprise, its component parts were simply stone, mortar and wood. Mr. Colfax has discovered that our improvements are attributable to water. We next come to another division and quote their persecutions:

"'This is also one of their favorite themes. Constantly it is reiterated by their apostles and bishops, from week to week, and from year to year. It is discoursed about in their tabernacles and their ward and town churches. It is written about in their periodicals and papers. It is talked about with nearly every stranger that comes into their midst. They have been driven from place to place, they claim, solely on account of their religious belief. Their faith has subjected them to the wickedest persecution by unbelievers. They have been despoiled, they insist, of their property; maltreated in their persons, buffeted and cast out, because they would not renounce their professions and their revelations.'

"This, sir, is all true; does it falsify a truth to repeat it? The Mormons make these statements and are always prepared to prove them. I referred to some of these things in my last; Mr. Colfax has not disproved them. He now states, 'I do not attempt to decide that the charges against them are well founded.' Why then are they made? Has it become so desirable to put down the Mormons that unfounded charges must be preferred against them?

"'Their church was first established at Manchester, New York, in 1830, and their first removal was in 1831, to Kirtland, Ohio, which they declared was *revealed to them as the site of their New Jerusalem.*' (A mistake.) 'Thence their leaders went west to search a new location, which they found in Jackson County, Mo., and dedicated a site for another New Jerusalem there, and returned to Kirtland to remain for five years avowedly to make money;' (an error) 'a bank was established there by them; large quantities of bills of doubtful value issued, and growing out of charges of fraudulent dealing, Smith and Rigdon were tarred and feathered.' This is a gross perversion, Smith and Rigdon were tarred and feathered in March, 1832, in Hiram, Portage County; the bank was organized December 2nd, 1836, in Kirtland.

"Mr. C. continues: 'And unjustifiable as such outrages are this one was based on alleged fraud and not on religious belief.' Allow me to state that this persecution was based on religious belief and not on fraud, and that this statement is a perversion, for the bank was not opened until several years after the tarring and feathering referred to. But did the bank fail? Yes, in 1837, about five years after, in the great financial crisis; and so did most of the banks in the United States, in Canada, a great many in England, France and other parts of Europe. Is it so much more criminal for the Mormons to make a failure than others? Their bank was swallowed in the general financial maelstrom, and some time after the failure of the bank the bills were principally redeemed.

"'They fled to Missouri, their followers joined them there, they were soon accused of plundering and burning habitations and with secret assassinations.' Was there no law in Missouri? The Missourians certainly did not lack either the will or the power to enforce it. Why were not these robbers, incendiaries, and assassins dealt with? Mr. C. continues: 'Nor do these charges against them rest on the testimony of those who had not been of their own faith; in October, 1838, T. B. Marsh, ex-president of the twelve apostles of their church, and Orson Hyde, one of the apostles, made affidavits before an officer in Ray County, Missouri, in which Marsh swore and Hyde corroborated it.

"'They have among them a company consisting of all that are true Mor-

mons, called the Danites, who have taken an oath to support the heads of the church in all things, whether right or wrong. I have heard the Prophet say that he would yet tread down his enemies and walk over their dead bodies; that, if he was not let alone he would be a second Mohammed to this generation, and that he would make it one gore of blood from the Rocky Mountains to the Atlantic ocean.' I am sorry to say that Thomas B. Marsh did make that affidavit, and that Orson Hyde stated that he knew part of it and believed the other; and it would be disingenuous in me to deny it; but it is not true that these things existed, for I was there and knew to the contrary; and so did the people of Missouri, and so did the Governor of Missouri. How do you account for their acts? Only on the score of the weakness of our common humanity. We are living in troublous times, and all men's nerves are not proof against such shocks as we then had to endure. Mobs were surrounding us on every hand, burning our houses, murdering our people, destroying our crops, killing our cattle. About this time that horrible massacre at Haun's Mill took place, where men, women and children, were indiscriminately butchered, and their remains, for want of other sepulture, thrown into a well. Messages were coming in from all parts, of fire, devastation, blood and death. We threw up a few logs and fences for protection; this, I suppose, is what Mr. Colfax calls, 'fortifying their towns and defying the officers of law.' If wagons and fences and a few house logs are fortifications, we were fortified; and if the mob, whose hands were dripping with the blood of men, women and children, whom they had murdered in cold blood, were 'officers of the law' then we are guilty of the charge. I cannot defend the acts of Thomas B. Marsh or Orson Hyde, although the latter had been laboring under a severe fever, and was at the time only just recovering, no more than I could defend the acts of Peter when he cursed and swore and denied Jesus; nor the acts of Judas who betrayed Him; but, if Peter, after going out and 'weeping bitterly,' was restored, and was afterwards a chief apostle; so did Orson Hyde repent sincerely and weep bitterly, and was restored and has since been to Palestine, Germany and other nations. Thomas B. Marsh returned a poor broken down man, and begged to live with us; he got up before assembled thousands and stated: 'If you wish to see the effect of apostacy, look at me.' He was a poor wreck of a man, a helpless drivelling child, and he is since dead. A people are not to be judged by such acts as these. But the Governor of Missouri in his message says:

"'These people had violated the laws of the land by open and armed resistance to them; they had instituted among themselves a government of their own, independent of, and in opposition to, the government of this State," (false); "they had, at an inclement season of the year, driven the inhabitants of an entire county from their homes, ravaging their crops and destroying their dwellings.'

"Now, if the Governor had reversed this statement it would have been true; the falsity of it I stand prepared to prove anywhere. Mr. Governor it was your bull that gored our ox. We were robbed, pillaged and exiled, were you? Our men, women and children were murdered without redress; driven from their homes in an inclement season of the year, and died by hundreds, in the State of Illinois, in consequence of hardships and exposure.

"The legislature of Missouri, to cover their infamy, appropriated the munifi-

cent sum of $2,000 to help the suffering Mormons. Their agent took a few miserable traps, the sweepings of an old store; for the balance of the patrimony he sent into Davis County and killed our hogs, which we were then prevented from doing, and brought them to feed the poor Mormons as part of the legislative appropriation. This I saw. On this subject I could quote volumes. I will only say that when authenticated testimony was presented to Martin Van Buren, the President of the United States, he replied, 'Your cause is *just*; but I can do nothing for you.'

"Mr. Colfax, in summing up, says, 'There is nothing in this as to their religion.' Read the following:

"Tuesday, November 6th, 1838, General Clark made the following remarks to a number of men in Far West, Mo.:

"'Gentlemen, you whose names are not attached to this list of names will now have the privilege of going to your fields and providing corn and wood for your families. Another article yet remains for you to comply with, that is, that you leave the State forthwith, and whatever may be your feelings concerning this, or *whatever your innocence* is nothing to me. The orders of the Governor to me were that you should be exterminated. I would advise you to scatter abroad and never again organize yourselves with bishops, presidents, etc., lest you excite the jealousies of the people.'

"Is not this persecution for religion?

"Mr. Colfax next takes us to Nauvoo and says, 'In Nauvoo they remained until 1846; the disturbances which finally caused them to leave the city were not in consequence of their religious creed. Foster and Law, who had been Mormons, renounced the faith and established an anti-Mormon paper at Nauvoo called the *Expositor*. In May, 1844, the prophet and a party of his followers, on the publication of his first number, attacked the office, tore it down and destroyed the press.'

"This is a mistake. The *Expositor* was an infamous sheet, containing vile and libelous attacks upon individuals, and the citizens generally, and would not have been allowed to exist in any other community a day. The people complained to the authorities about it; after mature deliberation the city council passed an ordinance ordering its removal as a nuisance, and it was removed. In a conversation with Governor Ford, on this subject, afterwards, when informed of the circumstances, he said to me, 'I cannot blame you for destroying it, but I wish it had been done by a mob.' I told him that we preferred a legal course, and that Blackstone described a libellous press as a nuisance and liable to be removed; that our city charter gave us the power to remove nuisances; and that if it was supposed we had contravened the law, we were amenable for our acts and refused not an investigation. Mr. Colfax's history says, 'The authorities thereupon called out the militia to enforce the law, and the Mormons armed themselves to resist it.' The facts were that armed mobs were organized in the neighborhood of Carthage and Warsaw. The Governor came to Carthage and sent a deputation to Joseph Smith, requesting him to send another to him, with authentic documents in relation to the late difficulties. Dr. J. M. Bernhisel, our late delegate to Congress, and myself, were deputed as a committee to wait upon the Governor. His Ex-

cellency thought it best (although we had had a hearing before) for us to have a rehearing on the press question. We called his attention to the unsettled state of the country, and the general mob spirit that prevailed; and asked if we must bring a guard; that we felt fully competent to protect ourselves. but were afraid it would create a collision. He said, 'We had better come entirely unarmed,' and pledged his faith and the faith of the State for our protection. We went unarmed to Carthage, trusting in the Governor's word. Owing to the unsettled state of affairs we entered into recognizances to appear at another time. A warrant was issued for the arrest of Joseph and Hyrum Smith, for treason. They were remanded to jail, and while there were murdered. Not 'by a party of mob,' as Mr. Colfax's history states, 'from Missouri,' but by men in Illinois, who, with blackened faces, perpetrated the hellish deed; they did not overpower the guard, as stated, the guard helped them in the performance of their fiendish act. I saw them for I was there at the time. I could a tale unfold that would implicate editors, officers, military and civil, ministers of the gospel, and other wolves in sheep's clothing.

"The following will show in part what our position was:

"'A proclamation to the citizens of Hancock County:—Whereas, a mob of from one to two hundred men, under arms have gathered themselves together in the southwest part of Hancock County, and are at this time destroying the dwellings, and other buildings, stacks of grain and other property, of a portion of our citizens in the most inhuman manner, compelling the defenceless women and children to leave their sick beds and exposing them to the rays of the parching sun, there to lie and suffer without aid or assistance of a friendly hand, to minister to their wants, in their suffering condition. The rioters spare not the widow nor orphan, and while I am writing this proclamation, the smoke is arising to the clouds, and the flame is devouring four buildings which have just been set on fire by the rioters. Thousands of dollars worth of property has already been consumed, an entire settlement of about sixty or seventy families laid waste, the inhabitants thereof are fired upon, narrowly escaping with their lives, and forced to flee before the ravages of the mob. Therefore I——command said rioters and other peace breakers to desist, forthwith, and I hereby call upon the law-abiding citizens, as a *posse commitatus* of Hancock County, to give their united aid in suppressing the rioters and maintaining the supremacy of the law.

J. B. Backenstos,
*Sheriff of Hancock County, Ills.*'

"Mr. Backenstos was not a Mormon.

"We set out in search of an asylum, in some far off wilderness, where we hoped we could enjoy religious liberty. Previous to our departure a committee composed of Stephen A. Douglass, Gen. John J. Harding, both members of Congress, the Attorney General of Illinois, Major Warren and others, met in my house, in Nauvoo, in conference with the Twelve, to consult about our departure. They were then presented the picture of devastation that would follow our exodus, and felt ashamed to have to acknowledge that State and United States authorities had to ask a persecuted and outraged people to leave their property, homes and firesides for their oppressors to enjoy; not because we had not a good Constitution

and liberal government, but because there was not virtue and power in the State and United States authorities to protect them in their rights. We made a treaty with them to leave; after this treaty, when the strong men and the majority of the people had left, and there was nothing but old and infirm men, boys, women and children to battle with, like ravenous wolves, impatient for their prey, they violated their treaty by making war upon them, and driving them houseless, homeless, and destitute across the Mississippi river.

"The archæologist, the antiquarian, and the traveller need not then have gone to Herculaneum, to Pompeii, to Egypt or Yucatan, in search of ruins or deserted cities; they could have found a deserted temple, forsaken family altars, desolate hearth stones and homes, a deserted city much easier: the time, the nineteenth century; the place, the United States of America; the State, Illinois, and the city, Nauvoo.

"While fleeing, as fugitives, from the United States, and in Indian territory, a requisition was made by the Government for 500 men to assist in conquering Mexico, the very nation to whose Territory we were fleeing in our exile; we supplied the demand and though despoiled and expatriated, were the principal agents in planting the United States flag in Upper California.

"I again quote:

"'In September, 1850, Congress organized Utah Territory, and President Fillmore appointed Brigham Young (who at Smith's death had become President of the Church) as Governor. The next next year the Federal judges were compelled by Brigham Young's threats of violence to flee from the Territory, and the laws of the United States were openly defied. Col. Steptoe was commissioned Governor in place of Young. but after wintering with a battalion of soldiers at Salt Lake, he resigned, not deeming it safe or prudent to accept.'

"So far from this being the case, Col. Steptoe was on the best of terms with our community, and previous to his appointment as Governor, a number of our prominent Gentile citizens, judges, Col. Steptoe and some of his officers signed a petition to the President praying for the continuance of President Young in office. He continues: 'In February, 1856, a mob of armed Mormons, instigated by sermons from the heads of the Church, broke into the United States court room and at the point of the bowie knife compelled Judge Drummond to adjourn his court *sine die;*" (this is a sheer fabrication, there never was such an occurrence in Utah) 'and very soon all the United States officers, except the Indian Agent, were compelled to flee from the Territory.' Now this same amiable and persecuted Judge Drummond brought with him a courtezan from Washington, whom he introduced as his wife, and had her with him on the bench. The following will show the mistake in regard to Col. Steptoe and others:

"'*To His Excellency Franklin Pierce,*
*President of the United States:*

"'Your petitioners would respectfully represent that, *Whereas*, Governor Brigham Young possesses the entire confidence of the people of this Territory, without distinction of party or sect, and from personal acquaintance and social intercourse, we find him to be a firm supporter of the Constitution and laws of

the United States, and a tried pillar of Republican institutions; and having repeatedly listened to his remarks, in private as well as in public assemblies, do know he is a warm friend and able supporter of Constitutional liberty, the rumors published in the States, to the contrary, notwithstanding; and having canvassed to our satisfaction, his doings as Governor and Superintendent of Indian affairs, and also the distribution of appropriations for public buildings for the Territory, we do most cordially and cheerfully represent that the same has been expended to the best interest of the nation; and *whereas*, his appointment would better subserve the Territorial interest than the appointment of any other man,

"'We therefore take great pleasure in recommending him to your favorable consideration, and do earnestly request his appointment as Governor, and Superintendent of Indian affairs for this Territory.

"'Salt Lake City, Utah Territory, December 30th, 1854. J. F. Kinney, Chief Justice Supreme Court; Leonidas Shaver, Assistant Justice; E. J. Steptoe, Lt. Col. U. S. Army; John F. Reynolds, Bvt. Maj.; Rufus Ingales, Capt.; Sylvester Mowry, La Chett, L. Livingston, John C. Chandler, Robert O. Tyler, Benj. Allston, Lieutenants; Chas. A. Perry, Wm. G. Rankin, Horace R. Kirby, Medical Staff; U. S. A. Henry, C. Branch, C. C. Branham, C. J. Bipne, Lucian L. Bedell, Wm. Mac, J. M. Hochaday and other strangers.'

"There was really no more cause for an army then than there is now, and there is no more reason now, in reality, than there was then, and the bills of Messrs. Cragin and Cullom are only a series of the same infamies that we have before experienced, and are designed, as all unbiassed men know, to create a difficulty and collision, aided by the clamor of speculators and contractors, who have of course, a very disinterested desire to relieve their venerated uncle by thrusting their patriotic hands into his pockets.

"I am sorry to be under the painful necessity of repudiating Mr. Colfax's history. It is said that 'corporations have no souls,' and nations are not proverbially conscientious about their nomenclature or records. Diplomacy generally finds language suited to its objects. When the British nation granted to the East India Company their stupendous monopoly, that company subjugated and brought really into serfdom about one hundred millions of human beings; and compelled many to raise poison (opium) instead of bread. History calls that '*trade and commerce.*' After the Chinese had made a law making the introduction of opium contraband, in defiance of this law they sent cargoes of the tabooed article and illicitly introduced their poison. The Chinese, unwilling to be poisoned, confiscated and destroyed these contraband goods. History calls it a *casus belli*, and when the Chinese, unwilling to be coerced, resisted the British force, that nation slaughtered vast hordes of them, because they had the power; history calls it *war.* When they forced them to pay millions of dollars for the trouble they had in killing them, history calls it *indemnification for the expenses of the war.* When President Polk wanted to possess himself of the then Mexican Territory of Upper California, he sent General Taylor, with an army of occupation, into disputed Mexican territory, well knowing that an honorable nation would resent it as an insult, and that would be considered a *casus belli* and afford a pretext for making war upon the weak nation, and possessing ourselves of the coveted Territory;

history calls it *conquest and reprisals.* It is true that we acted more honorably than Great Britain in awarding some compensation. President Buchanan, goaded by the Republicans, wished to show them that in regard to the Mormons he dared out-Herod Herod, by fitting up an army to make war upon the Mormons; but it was necessary to have a pretext. It would not have been popular to destroy a whole community in cold blood, so he sent out a few miserable minions and renegadoes for the purpose of provoking a collision. These men not only acted infamously here, but published false statements throughout the United States, and every kind of infamy—as is now being done by just such characters—was laid at the door of the Mormons. They said, among other things, that we had burned the U. S. records. These statements were afterwards denied by Governor Cumming. Mr. Buchanan had another object in view, and Mr. J. B. Floyd, Secretary of War, had also his axe to grind, and the whole combined was considered a *grand coup d'etat.* It is hardly necessary to inform Mr. Colfax that this army, under pretence of subjugating the Mormons, was intended to coerce the people of Kansas to his views, and that they were not detained, as stated by Mr. Colfax's history, which said: "the troops, necessarily moving slowly, were overtaken by the snows in November, and wintered at Bridger.' I need not inform Mr. Colfax that another part of this grand tableau originated in the desire of Secretary Floyd to scatter the U. S. forces and arms, preparatory to the Confederate rebellion. Such is history and such are facts.

"We were well informed as to the object of the coming of the army, we had men in all of the camps, and knew what was intended. There was a continual boast among the men and officers, even before they left the Missouri river, of what they would do with the Mormons. The houses were picked out that certain persons were to inhabit; farms, property and women were to be distributed. 'Beauty and booty,' were their watchword. We were to have another grand Norman conquest, and our houses, gardens, orchards, vineyards, fields, wives and daughters were to be the spoils. Instead of this Mr. Buchanan kept them too long about Kansas; the Lord put a hook in their jaws, and instead of reveling in sacked towns and cities and glutting their libidinous and riotous desires in ravishing, destroying and laying waste, they knawed dead mules' legs at Bridger, rendered palatable by the ice, frost and snow of a mountain winter, seasoned by the pestiferous exhalations of hecatombe of dead animals, the debris of a ruined army, at a cost to the nation of about forty millions. We had reason to say then 'the Lord reigns, let the earth be glad.' Oh, how wicked it was for President Young to resist an army like the above, prostituted by the guardians of a free and enlightened republic to the capacity of buccaneers and brigands!

"In the spring rumors prevailed of an intended advance of the army. Preferring compromise to conflict, we left Salt Lake City and the northern part of the Territory *en masse* and prepared ourselves, for what we then considered a coming conflict. After first preparing combustible materials and leaving a sufficient number of men in every settlement to destroy everything; had we been driven to it we should have made such a conflagration as never was witnessed in the U. S. Every house would have been burned and leveled to the ground, every barn, grain and hay stack, every meeting house, court house and store demolished;

every fruit tree and shrub would have been cut down; every fence burned and the country would have been left a howling wilderness as we found it. We were determined that if we could not enjoy our homes in peace, that never again should our enemies revel in our possessions.

"I now come to Mr. Colfax's next heading, 'their polygamy:'

"As this is simply a rehash of his former arguments, without answering mine, I beg to be excused inserting his very lengthy quotation, as this article is already long. In regard to our tolerations of all religions, Mr. C. entertains very singular ideas. We do invite men of almost all persuasions to preach to us in our tabernacles, but we are not so latitudinarian in our principles as to furnish meeting houses for all; we never considered this a part of the programme. Meeting houses are generally closed against us everywhere, and men are advised not to go and hear us; we open ours, and say to our congregation go and hear them, but we do not engage to furnish all. Neither is the following statement correct: 'About the same time he (Mr. Taylor) was writing it, Godbe and others were being expelled from the Church for disbelieving the infallibility of Brigham Young.' No person, as I before stated, was ever expelled from the Church for doubting the infallibility of President Young; it is but just to say that President Young, himself disclaims it. Mr. C. again repeats his argument in relation to the suttee, or burning of widows in India, and after giving a very elaborate and correct account of its suppression by English authority says:—

"'Wherever English power recognized there this so-called religious rite is now sternly forbid denand prevented. England with united voice said stop! and India obeyed.'

"To present Mr. Colfax's argument fairly, it stands thus: The burning of Hindoo widows was considered a religious rite, by the Hindoos. The British were horrified at the practice and suppressed it. The Mormons believe polygamy to be a religious rite. The American nation consider it a scandal and that they ought to put it down. Without entering into all the details, I think the above a fair statement of the question. He says 'the claim that religious faith commanded it was powerless, and it went down, as a relic of barbarism.' He says: 'History tells us what a civilized nation, akin to ours, actually did, where they had the power.' I wish to treat this argument with candor, although I do not look upon the British nation as a fit example for us; it was not so thought in the time of the Revolution. I hope we would not follow them in charging their cannon with Sepoys, and shooting them off in this same India. I am glad, also, to find that our Administration views and acts upon the question of neutrality more honorably than our trans-Atlantic cousins. But to the point. The British suppressed the suttee in India, and therefore we must be equally moral and suppress polygamy in the United States. Hold! not so fast; let us state facts as they are and remove the dust. The British suppressed the suttee, but tolerated eighty-three millions of polygamists in India. The suppression of the suttee and that of polygamy are two very different things. If the British are indeed to be our examplars, Congress had better wait until polygamy is suppressed in India. But it is absurd to compare the suttee to polygamy; one is murder and the destruction of life, the other is national economy and the increase and perpetuation of life. *Suttee* ranks

truly with *Infanticide*, both of which are destructive of human life. *Polygamy* is salvation compared with either, and tends even more than monogamy to increase and perpetuate the human race.

"I have now waded through Mr. Colfax's charges and have proven the falsity of his assertions and the tergiversation of his historical data. I will not say his but his adopted history; for it is but fair to say that he disclaims vouching for its accuracy.

"Permit me here again to assert my right as a public teacher, to address myself to Congress and the nation, and to call their attention to something that is more demoralizing, debasing, and destructive than polygamy. As an offset to my former remarks on these things, we are referred to our mortality of infants as "exceeding any thing else known."

"Mr. Colfax is certainly in error here. In France, according to late statistical reports on *la mort d'enfants*, they were rated at from fifty to eighty per cent. of the whole under one year old. The following is from the Salt Lake City sexton's report for 1869:

"'Total interments during the year, 484; deducting persons brought from the country places for interment, and transients, 93; leaving the mortality of this city, 391.

Jos. E. TAYLOR, Sexton.

"'Having been often asked the question: Whether the death-rate was not considerably greater among polygamic families than monogamic, I will answer: Of the 292 children buried from Salt Lake City last year (1869), 64 were children of polygamists; while 228 were children of monogamists; and further, that out of this number, there was not even one case of infanticide.

Respectfully,

Jos. E. TAYLOR.

"We had a sickly season last year among children; but when it is considered that we have twice as many children as any other place, in proportion to the number of inhabitants, the death-rate is very low, especially among polygamists.

"But supposing it was true, 'the *argumentum ad hominum*,' which Mr. Colfax says he 'might use,' would scarcely be an *argumentum ad judicum;* for if all the children in Salt Lake City or Utah died, it would certainly not do away with that horrible crime, infanticide. Would Mr. Colfax say that because a great number of children in Utah, who were children of polygamists, died, that, therefore, infanticide in the United States is justifiable? and that the acts of Madame Restelle and her pupils were right and proper? I know he would not, his ideas are more pure, generous and exalted. Mr. Colfax says of us, 'I do not charge infant murder, of course." Now I do charge that infant murder prevails to an alarming extent in the United States. The following will show how near right I am. Extract from a book entitled, *Serpents in a Dove's Nest*, by Rev. John Todd, D. D., Boston. Lee and Shepherd.

"Under the head of 'Fashionable Murder," we read the following:

"'By the advertisements of almost every paper, city and village in the land, offering medicines to be effectual 'from whatever causes' it is needed; by the

shameless and notorious great establishments, fitted up and advertised as places where any woman may resort to effect the end desired, and which now number in the city of New York alone over four hundred, advertised and *abundantly patronized*, houses devoted to the work of abortionating; by the confession of hundreds of women made to physicians, who have been injured by the process; and by the almost constant and unblushing applications made to the profession from 'women in all classes of society, *married and unmarried, rich and poor* and otherwise, good, bad or indifferent,' to aid them in the thing—do we know of the frequency of this crime?" (p. 4 and 5.) 'I would not advise any one to challenge further disclosures, else we can show that France, with all her atheism, that Paris, with all her license, is not as guilty, in this respect, as is staid New England at the present hour. Facts can be adduced that will make the ears tingle; but we don't want to divulge them; but we do want the womanhood of our day to understand that the thing can be no longer concealed; that commonness of fashion cannot do away with its awful guilt; it is deliberate and cold-blooded murder.' (p. 13, 14.)

"These facts are corroborated by Dr. Story in a book, entitled, *Why Not*. Lee and Shepherd, Boston. By the New York *Medical Journal*, September, 1866, by the Boston *Commonwealth*, Springfield, (Mass.) *Worcester Palladium*, Northampton *Free Press*, Salem *Observer*, and, as stated above, 'by the advertisements of almost every paper, city and village in the land.' I have statistics before me now, from a physician, stating the amount of prostitution, fœticide and infanticide in Chicago; but bad as Chicago is represented to be, these statements are so enormous and revolting that I cannot believe them. Neither is the statement made by some of the papers, in regard to Mr. Colfax's association with the Richardson case, reliable. Men in his position have their enemies, and it is not credible that a gentleman holding such strong prejudice about, what he considers, the immorality of the Mormons, and whose moral ideas, in relation to virtue and chastity, are so pure, could lend himself as an accomplice to the very worst and most revolting phase of Free Loveism. And I would here solicit the aid of Mr. Colfax, with his superior intelligence, his brilliant talents and honorable position, to help stop the blighting, withering curse of prostitution, fœticide and infanticide.

"I call upon philosophers and philanthropists to stop it; know ye not that the transgression of every law of nature brings its own punishment, and that as noble a race of men as ever existed on the earth are becoming emasculated and destroyed by it? I call upon physicians to stop it; you are the guardians of the people's health, and justice requires that you should use all your endeavors to stop the demoralization and destruction of our race. I call upon ministers of the gospel to stop it; know ye not the wail of murdered infants is ascending into the ears of the Lord of Sabaoth and that the whole nation is hastening to destruction whilst you are singing lullaby songs to murderers and murderesses? I call upon statesmen to stop it; know ye not that the statisticians inform us that our original stock is running out, and that in consequence of this crime we are being supplanted by foreigners, and that the enemies of the negro race are already exulting in the hope of their speedy extinction, by copying your vices. I call upon the fair daughters of America and their abettors their husbands and paramours to pause in their career of crime; you came of an honorable and pure stock, your

fathers, mothers and grandmothers' hands were not stained with the blood of innocence; they could press their pillows in peace, without the fear of a visit from the shades of their wailing offspring. I call upon municipal and State authorities and especially upon Congress to stop this withering, cursing and damning blight. I call upon all honorable men and women to use their influence to stop this growing evil. I conjure you by the love of God, by the ties of consanguinity, by a respect for our race and a love for our nation, by the moans of murdered infants and the fear of an avenging retribution, help stop this cursed evil!

"In the province of Gazaret, Hindostan, parents have been in the habit of destroying infant children as soon as born; and at the festival held at Gunga Sergoor, children were sacrificed to the Ganges from time immemorial; both of these the British nation suppressed. Shall we practice crimes in civilized and Christian America, that England will not allow heathens to perform, but put them down by the strong arm of the law? You indeed tell us that these things are "banned by you, banned by the law, banned by morality and public opinion;" your bans are but a mockery and a fraud, as are your New England temperance laws; your law reaches one in a thousand who is so unfortunate as to be publicly exposed. These crimes, of which I write, run riot in the land, a withering, cursing blight. The affected purity of the nation is a myth; like the whited walls and painted sepulchers, of which Jesus spake, "within there is nothing but rottenness and dead men's bones." Who, and what is banned by you? What power is there in your interdiction over the thirty thousand prostitutes and mistresses of New York and their amiable pimps and paramours? What of the thousands in the city of brotherly love, in Boston, in your large eastern, northern and southern cities? What of Washington? What of your four hundred murder establishments in New York and your New England operations in the same line? You are *virtuous* are you? God deliver us from such virtue. It may be well to talk about your purity and bans to those who are ignorant; it is too bare-faced for the informed. I say, as I said before, why don't you stop this damning, cursed evil? I am reminded of the Shakesperian spouter who cried, 'I can call spirits from the vasty deep!' 'So can I,' said his hearer, 'but they won't come!' Now we do control these horrid vices and crimes, do you want to force them upon us? Such things are

> "'A blot that will remain a blot in spite
> Of all that grave apologists may write;
> And, though a bishop try to cleanse the stain,
> He rubs and scours the crimson spot in vain.'

"We have now a Territory out of debt; our cities, counties and towns are out of debt. We have no gambling, no drunkenness, no prostitution, fœticide nor infanticide. We maintain our wives and children, and we have made the 'desert to blossom as the rose.' We are at peace with ourselves and with all the world. Whom have we injured? Why can we not be let alone?

"What are we offered by you in your proposed legislation? for it is well for us to count the cost. First—confiscation of property, our lands, houses, gardens, fields, vineyards, and orchards, legislated away by men who have no property, carpetbaggers, pettifoggers, adventurers, robbers, for you offer by your bills a premium for fraud and robbery. The first robs us of our property and leaves us

the privilege, though despoiled, of retaining our honor, and of worshipping God according to the dictates of our own conscience. We have been robbed before; this we could stand again. Now for the second—the great privilege which you offer by *obedience:* Loss of honor and self respect; a renunciation of God and our religion; the prostitution of our wives and children to a level with your civilization; to be cursed with your debauchery; to be forced to countenance *infanticide in our midst, and have your professional artists advertise their dens of* murder among us; to swarm, as you do, with pimps and harlots and their paramours; to have gambling, drunkenness, whoredom, and all the pestiferous effects of debauchery; to be involved in debt and crime, forced upon us; to despise ourselves, to be despised by our wives, children and friends, and to be despised and cursed of God, in time and in eternity. This you offer us and your religion to boot. It is true you tell us you will 'ban it' but your bans are a myth; you would open the flood gates of crime and debauchery, infanticide, drunkenness and gambling, and practically tie them up with a strand of a spider's web. You cannot stop these; if you would you have not the power. We have, and prefer purity, honor, and a clear conscience, and our motto to-day is, as it ever has been, and I hope ever will be 'the Kingdom of God or nothing.'

"Respectfully,

"JOHN TAYLOR."

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## CHAPTER XLVII.

BIRTH OF THE UTAH LIBERAL PARTY. POLITICAL COALITION OF GENTILES AND MORMON SCHISMATICS. CONTEST AT THE MUNICIPAL ELECTION OF 1870. REPORT OF THE FIRST CENTRAL COMMITTEE OF THE LIBERAL PARTY.

In the beginning of the year 1870, in January and February, a political plan was devised to unite the Godbeites with the Gentiles. Both were few in number; even when united they were but an insignificant minority, compared with the party since known as the "People's" party. The coalition, however, was considered promising and prospectively formidable. On the one side, the schismatic Mormon elders and merchants were likely to have a large following throughout the Territory or, at least, it was expected that the schism would increase greatly and extend to every settlement, even though it should lack cohesion. Nothing seemed more probable than that there were thousands of men and women, who had grown up in the Mormon community, or been long connected with it, apart from any spiritualistic "New Movement" incubated at nightly *seances* at New York, who occupied similar positions, and entertained similar views regarding Mormonism, to those of Mr. Godbe and his compeers, and the Walker Brothers, Chislett and their class, who had left the Church years before. There were also

many influential men who remained in the Mormon Church who said to Mr. Godbe and his friends, "You should have remained in the Church and fought out your issues. It was a great mistake to set up new a church."

And thus the "New Movement," or new "Church of Zion" was soon generally looked upon to be in and of itself a failure, while to the faithful Mormons, whose head of the Church was so prominent and sound, whose will so strong and organism matchless, this church of Zion, without a head, or even the power to organize a quorum of elders, was a thing of scorn. Henry W. Lawrence keenly felt this and forecasted failure in the object of the schism. The only resolution of any social potency was in a quick uniting of the Godbeites with the Gentiles, and the formation of a political party by such a coalition.

"The design was projected, and early in February, 1870, a political caucus was called, of the leading men concerned, to give birth to the party now known as the "Liberal" party. The meeting was held in the Masonic Hall. Eli B. Kelsey was chosen chairman, whereupon the leaders made their preliminary speeches, formulated methods for the city election close at hand, with Henry W. Lawrence at the head of their ticket for Mayor of Salt Lake City. The Gentiles, with political sagacity, kept in the background, merely playing the parts as advisers, helpers and voters. Of course the object of this maneuver was to make their coalition party a political entering wedge into the Mormon Church, by calling out the Mormon friends of the men on the ticket. The preliminary work having been done, the meeting adjourned to be held next at Walker Brother's old store, where the "New Movement" held its service and public meetings; Eli B. Kelsey was continued as chairman, and a committee was appointed to make a public call for the ratification of the Liberal ticket.

Accordingly the city was duly placarded, informing the public of the meeting and its object; and the invitation given was "*Come one, come all!*" It was an unfortunate wording; for it was addressed to the "PEOPLE" of Salt Lake City to "come one, come all" to nominate their municipal officers for the forthcoming election. The Mormons were "the people"—"The People's party"—a name, indeed, which came into political significance from that very election. The People's party resolved to accept the invitation, and give the Liberals a surprise. It was a party *coup d'etat*, perhaps, not quite fair, yet without that fell design which the Liberal party has marked in the first chapter of its own history. It was in fact, merely a political move of party managers to show the people how futile an opposition party was, and how easily overwhelmed.

But it is necessary to the completeness of the historical data of our city, as due to the Utah Liberal party, which has since repeatedly contested the elections for Delegate to Congress to give its first chapter as presented by its own central committee at the time.

The *Deseret News* of February 10, 1870, thus called attention to "the Mass Meeting:"

"By a placard which is posted up in several places in the city, signed 'many voters,' we see that it is the intention to hold a public MASS MEETING *this, Thursday, Evening*, at half past six o'clock, in the building known as Walker Brothers' original store, on East Temple Street. The object of the meeting, as

set forth by the placard, is 'for the nomination of a People's Free and Independent Ticket for Mayor, Aldermen, Councilors, etc., to be voted for on Monday, the 14th instant.'

"The placard is headed in large letters, 'COME ONE, COME ALL.' A full meeting is desired, and as the object is one of general interest to all classes of our citizens, we hope there will be a crowded attendance. We want to see a good ticket nominated for city officers and the occasion is one in which every citizen should be interested."

On Saturday, February 12, 1870, the following appeared in the 7th number of the *Mormon Tribune*, published by Godbe & Harrison:

"A CARD BY THE COMMITTEE.

"The Mass Meeting, called by many voters, in Walker Brothers' original store, Thursday evening, February 10, was overwhelmed by a characteristic maneuvering on the part of the Church authorities. The *Deseret Evening News* promptly announced the meeting, and gave a significant hint for a grand *coup d' etat*. And we are well informed that A. Milton Musser went to the different wards of the city, and instructed the bishops and teachers to have the people of their wards turn out *en masse*, and defeat the object for which the meeting was called. The principal of the Deseret University, also instructed his pupils to be on hand. A large crowd took possession of the street in front of the building long before the hour appointed for the meeting. The pressing demand for admittance, rendered it necessary to open the doors a six o'clock, whereupon the crowd rushed in with screams and yells, jumping over and breaking the seats in the most reckless manner. At the head of the crowd marched J. D. T. McAllister, acting bishop of the Eighth Ward and Territorial marshal, and Bishop J. C. Little. Mr. Eli B. Kelsey stated that this was an adjourned meeting of which he was the regular chairman; but as they took possession by force they were welcome to do so. Without a moment's delay, Bishop J. C. Little was nominated for chairman of the meeting, Mr. E. L. Sloan was elected secretary, and Mr. Grimshaw reporter. Bishop Little called for nominations, when the whole orthodox ticket was nominated one by one by acclamation; the more sober and thoughtful portion of the audience ignoring the whole proceedings, considering that a gross outrage had been perpetrated by the Church officials. We sincerely regret the unmistakable *animus* betrayed in the whole affair; and we feel more than ever the need of a change.

"We call upon every free American citizen to rally to the polls on Monday next, and vote the Independent ticket, thereby manifesting their disapproval of proceedings rarely equalled—certainly never outdone in the Kansas elections."

"INDEPENDENT TICKET: Mayor—Henry W. Lawrence; aldermen—First Municipal Ward, Samuel Kahn; Second Municipal Ward, J. R. Walker; Third Municipal Ward, Orson Pratt, Jr.; Fourth Municipal Ward, E. D. Woolley; Fifth Municipal Ward, James Gordon. Councilors—Nat Stein, Anthony Godbe, John Cunnington, John Lowe, Marsena Cannon, Fred T. Perris, Dr. W. F. Anderson, Wm. Sloan, Peter Rensheimer; city recorder, Wm. P. Appleby; city treasurer, B. G. Raybould; city marshal, Ed. Butterfield.

"By order of the
"CENTRAL COMMITTEE."

The following correspondence passed between the Liberal central committee and the mayor:

"SALT LAKE CITY, Feb. 12, 1870.

"*Daniel H. Wells, mayor Salt Lake City.*

"DEAR SIR:—You are doubtless aware there is an Independent ticket nominated by many voters of this city to be submitted to the people for their suffrage, at the municipal election on Monday, the 14th instant. We, therefore, respectfully ask, on behalf of those wishing to sustain said ticket, that one judge of election and one clerk be appointed from the Independent party, by you or the city council, to act in these positions at said election; and would respectfully ask that John M. Worley, and William P. Appleby be appointed for those positions, which is according to the usages of the country.

"This committee is desirous that none but legal votes shall be cast at the coming election, and to this end ask of you the assurance that the usual challenges and ballot box shall be protected by you and the police force of this city. Will you please return an answer by bearer?

"By order of the committee,

"J. M. Orr, *Chairman.*"

"MAYOR'S OFFICE, SALT LAKE CITY, Feb. 13th, 1870.

"*J. M. Orr, Esq., Chair. Cen. Com.*

"SIR:—Your note dated 12th inst. asking for a change to be made in the board of judges and clerks of election is just received, and I hasten to answer.

"Col. Jesse C. Little, Seymour B. Young and John Needham, Esqs., have been chosen judges, and F. A. Mitchell and R. V. Morris, Esqs., clerks of said election.

"These gentlemen were selected and appointed to act as said judges and clerks by the city council on Teusday, 1st inst., and, I am sanguine, command the confidence of the entire people, and will doubtless act justly and wisely in the performance of the duties thus devolved upon them.

"Rest assured that every protection will be afforded for voters to vote their respective tickets without partiality or hindrance.

"If, as is sometimes the case, during the day, the polls should be crowded, I would recommend the voters to be patient, for all will have the opportunity afforded to them to vote during the day. And it is designed to enforce the strictest order.

Respecfully,

D. H. WELLS, *Mayor.*"

The municipal election on the Monday, Febuary 14th, was quite peaceful, showing on either side but little of the *animus* which the commencement seemed to promise. The *Deseret News* merely noted the result of the election, with an item relative to the counting of votes. The Liberal party were the speakers to the public on the occasion, as will be seen from the report of the first central committee of the Liberal party.

"*To the editors of the Mormon Tribune:*

"The undersigned, a committee representing the Independent voters of Salt

Lake City and County, desire to state to the public the circumstances connected with the organization of the first Independent political party in this Territory, as also the facts of the recent election.

"On Wednesday, February 9th, a meeting was held at the Masonic Hall, of those opposed to the existing state of our city government. An organization was effected, a central committee was appointed to serve for one year, and a ticket for city officers, composed of old and respected citizens without regard to creed or religious belief, nominated by acclamation. A mass meeting was also appointed for the following night to be held at Walkers' original store, for the ratification of the nominations, and an exchange of views on the questions before the people. Long previous to the hour appointed, the street in front of, and the building itself, were taken possession of by a crowd of men, determined to defeat the purposes of the meeting. We have already stated in the *Tribune* the result of their endeavors, the same number of your journal, however, contained the original, regularly nominated Independent ticket, as submitted to the people on Monday last. During the election many irregularities, to say the least, were reported to us (by a sub-committee of challengers appointed by us) which we were and are powerless to remedy. They state that—

"Many voted who were not citizens of the United States.

"Many who were not citizens of Salt Lake City.

"Many who were not of lawful age; and the ballot boxes when filled were set aside and not properly sealed or guarded.

"It is needless to recapitulate the numerous obstacles thrown in the way of those desirous of voting the Independent ticket, or the annoyances to which our challengers were subjected. Suffice it to say that without these, and the existing law of the Territory compelling the numbering and identifying of each vote, a system practically robbing every citizen of his freedom of ballot, the result would have been far different. The means used by our opponents to prevent a fair election and an impartial count prove their fears on this point.

"The result of the election, as announced by the judges—no member of our committee being allowed to be present at the counting of the votes—shows an average of about three hundred votes for the Independent ticket, and we regard our commencement in the great work of vindicating the rights of free speech, free thought and a free press in this Territory a promising one. To sum up the reward of five days' work: After twenty years of self-constituted city government, to which we have paid thousands in taxation, without an exhibit of receipts or expenses, and for that time not daring to express a sentiment in opposition to those held by the dominant party, we have in the election of Monday last demonstrated to the country the existence of American institutions in this Territory, and believe that the seed sown on that day will bear such fruits that before many months the STATE of UTAH, freed from all relics of past tyranny and oppression, will be found marching with the great sisterhood of States, keeping step with the progress of the Union.

"In concluding we would return thanks to those of our fellow citizens who have by their confidence placed us in our responsible and prominent positions before the public. The responsibility we realize,—the publicity was unsought.

The duties of our positions we will discharge, as long as honored by their confidence, in the fear of God and love of humanity, unshaken loyalty to our country and with 'charity for all' who differ from us and 'malice towards none.'

"Respectfully,

"J. M. ORR,
"J. R. WALKER,
"JOSEPH SALISBURY,
"T. D. BROWN,
"JAMES BROOKS,
"SAMUEL KAHN,
"R. H. ROBERTSON,
"*Central Committee.*"

The People's ticket of that year was:

Mayor—Daniel H. Wells; aldermen—First Municipal Ward, Isaac Groo; Second, Samuel W. Richards; Third, A. H. Raleigh; Fourth, Jeter Clinton; Fifth, A. C. Pyper. Councilors—Robert T. Burton, Theodore McKean, Thos. Jenkins, Heber P. Kimball, Henry Grow, John Clark, Thos. McLellan, John R. Winder, Lewis S. Hills; Recorder—Robert Campbell; treasurer—Paul A. Schettler; marshal—John D. T. McAllister.

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## CHAPTER XLVIII.

PASSAGE OF THE WOMAN'S SUFFRAGE BILL. GRAND MASS MEETING OF THE "SISTERS" PROTESTING AGAINST THE CULLOM BILL, THEN BEFORE CONGRESS. EXTRAORDINARY RESOLUTIONS AND HEROIC SPEECHES OF THE WOMEN OF MORMONDOM.

The year 1870 was also signalized by the passage of the female suffrage bill, which event was destined to make *Mormon* Utah politically distinguished among all the advocates of woman's suffrage throughout the world.

The *Phrenological Journal* for November, 1870, in its biographical article on "William H. Hooper, the Utah Delegate and female suffrage advocate," says:

"Utah is a land of marvels. She gives us, first, polygamy, which seems to be an outrage against 'woman's rights,' and then offers the nation a 'female suffrage bill,' at this time in full force within her own borders. Was there ever a greater anomaly known in the history of society? The women of Utah hold political power to-day. They are the first in the nation to whom the functions of the state have been extended, and it is just as consistent to look for a female member of Congress from Utah as a member of Congress sent to Washington by the women's vote. Let the women be once recognized as powers in the state as well as in society and in the church, and their political rights can be extended to

any length, according to the temper of the public mind, of which the female element forms so large a part.

"There is in our innovative age much discussion on the abstract justice, and also on the practical propriety of extending political power to the women of America; and the women of England have made the same demand in the political motions of our old Saxon fatherland. This may be caused by one of the great impulses of the times, for we are certainly living in an age of impulses. It is also an age of marvels; not merely in steam and electricity, but in our social states and philosophies of society. Indeed, until modern times, the phrase 'social science' was not known; but these new problems and marvels of society have led statesmen and philosophers to recognize a positive 'social science,' and the term sociology to-day is just as legitimate as the term geology. And it is very singular that those advanced minds who are beginning to reduce government and the social development to systems of positive philosophy, bring in the function of political power for woman. Of course your political gamblers and legislative charlatans are against the innovations which female suffrage bills would work out in the age; but such philosophical lawgivers of society and government as John Stuart Mill, and also statesmen like Cobden and Bright of England, are contemplating the extension of political power to the women as one of the grand methods for the world's future good.

"Our present object is not, however, to contend for the benefits to accrue to society through the agencies of woman brought to bear upon the State, as they have been in the Church and in the general spheres of life, but to note the extraordinary circumstances of political power having been first granted to and exercised by the women of Utah. We see that female suffrage is both accepted and strongly maintained as one of the great social problems of the future, not only to advance the world, but to assert the dignity and cause of womanhood; that it is thus accepted and maintained by the boldest female reformers of America and the great masters of social science in England. That is one side of the case, and in that view we find no subject for astonishment, for the men and women whose very names represent mind in the reform movements of the times will be certain to be found in the vanguard of civilization; but that the women of Utah, who have been considered representatives of womanhood in its degradation, should suddenly be found on the same platform with John Stuart Mill and his sisterhood, is truly a matter for astonishment. And moreover, when we look upon the Mormon "kingdom of God," as the Saints denominate it, as the first nationality in the world which has granted to woman political power and created her the chief part of the State as well as the Church, one cannot but confess that the Mormons in this have stolen a march upon their betters.

"Three years ago a friend of the Mormons informed us that the Delegate of Utah was in New York, just from Washington, bound for Utah to lay before Brigham Young the extraordinary design of giving to the women of Mormondom political power. And the circumstance was the more marked from the singular facts that the legislative minds, aided by the American press, were proposing just at that time a scheme for Congress to *force* female suffrage upon Utah, to give to the women of that Territory the power to break up the institution of polygamy

and emancipate themselves from their supposed serfdom and the degradation of womanhood. This done, the conclusion, of course, was that Mormonism and the Mormons would become converted and transformed into respectable monogamic problems, easy of solution by our multitude of Christian and other civilizing agencies."

The incident referred to in the *Phrenological Journal* relative to William H. Hooper as the female suffrage delegate from Utah, may be supplemented with the narrative itself. Mr. Julian, of Indiana, offered a bill to the House in 1867 in substance, "A Bill to solve the Polygamic Problem." Upon its presentation and announcement, Delegate Hooper immediately called upon Mr. Julian, saying, "That bill has a high sounding title. What are its provisions?" He replied. simply a bill of one section. providing for the enfranchisement of the women of Utah. "Mr. Julian," said the Delegate, "I am in favor of that bill." He inquired, "Do you speak for your own leading men?" Mr. Hooper replied, "I do not; but I know of no reason why they should not also approve of it."

When Mr. Hooper returned to Utah, he held a conversation with President Brigham Young upon this subject. "Brother Hooper," inquired the President, "are you in favor of female suffrage?" "I know of no reason why I should not be," he answered. No more was said; but from that time the subject seemed to develop itself in the mind of the President and soon afterwards it was taken up by the Legislative body and passed by an unanimous vote.

The following is a copy of the bill:

"An Act, giving women the elective franchise in the Territory of Utah.

"SEC. 1.—*Be it enacted by the Governor and the Legislative Assembly of the Territory of Utah:* That every woman of the age of twenty-one years, who has resided in this Territory six months next preceding any general or special election, born or naturalized in the United States, or who is the wife, or widow, or the daughter of a naturalized citizen of the United States, shall be entitled to vote at any election in this Territory.

"SEC. 2.—All laws, or parts of laws, conflicting with this act are hereby repealed.

"Approved February 12, 1870."

It has been charged by the anti-Mormons, that woman suffrage in Utah was only designed to further enslave the Mormon women; that they took no part in its passage, and have had no soul in its exercise. Nearly the reverse of this is the case as the records will show. Here follow the minutes of a general meeting of the great Female Relief Society, held in Salt Lake City, February 19, 1870—just seven days after the passage of their bill:

"MINUTES.—Most of the wards of the city were represented. Miss E. R. Snow was elected president, and Mrs. L. D. Alder secretary.

"Meeting opened with singing; prayer by Mrs. Harriet Cook Young.

"Miss Eliza R. Snow arose and said, to encourage the sisters in good works, she would read an account of our indignation meeting, as it appeared in the *Sacramento Union*; which account she thought a fair one. She also stated that an expression of gratitude was due acting-Governor Mann, for signing the document

granting woman suffrage in Utah, for we could not have had the right without his sanction, and said that Wyoming had passed a bill of this kind over its governor's head, but we could not have done this.

"The following names were unanimously selected to be a committee for said purpose: Eliza R. Snow, Bathsheba W. Smith, Sarah M. Kimball, M. T. Smoot, H. C. Young, Z. D. Young, Phœbe Woodruff, M. I. Horne, M. N. Hyde, Eliza Cannon, Rachel Grant, Amanda Smith.

"Mrs. Sarah M. Kimball said she had waited patiently a long time, and now that we were granted the right of suffrage, she would openly declare herself a woman's rights woman, and called upon those who would do so to back her up, whereupon many manifested their approval. She said her experience in life had been different from that of many. She had moved in all grades of society; had been both rich and poor; had always seen much good and intelligence in woman. The interests of man and woman cannot be separated; for the man is not without the woman nor the woman without the man in the Lord. She spoke of the foolish custom which deprived the mother of having control over her sons at a certain age; said she saw the foreshadowing of a brighter day in this respect in the future. She said she had entertained ideas that appeared wild, which she thought would yet be considered woman's rights; spoke of the remarks made by Brother Rockwood, lately, that women would have as much prejudice to overcome, in occupying certain positions as men would in granting them, and concluded by declaring that woman was the helpmate of man in every department of life.

"Mrs. Phœbe Woodruff said she was pleased with the reform, and was heart and hand with her sisters. She was thankful for the privilege that had been granted to women, but thought we must act in wisdom and not go too fast. She had looked for this day for years. God has opened the way for us. We have borne in patience, but the yoke on woman is partly removed. Now that God has moved upon our brethren to grant us the right of female suffrage, let us lay it by, and wait till the time comes to use it, and not run headlong and abuse the privilege. Great and blessed things are ahead. All is right and will come out right, and woman will receive her reward in blessing and honor. May God grant us strength to do right in his sight.

"Mrs. Bathsheba W. Smith said she felt pleased to be engaged in the great work before them, and was heart and hand with her sisters. She never felt better in her life, yet never felt more her own weakness, in view of the greater responsibilities which now rested upon them, nor ever felt so much the necessity of wisdom and light; but she was determined to do her best. She believed that woman was coming up in the world. She encouraged her sisters with the faith that there was nothing required of them in the duties of life that they could not perform.

"Mrs. Prescinda Kimball said: I feel comforted and blessed this day. I am glad to be numbered in moving forward this reform; feel to exercise double diligence and try to accomplish what is required at our hands. We must all put our shoulder to the wheel and go ahead. I am glad to see our daughters elevated with man, and the time come when our votes will assist our leaders, and redeem ourselves. Let us be humble, and triumph will be ours. The day is approaching when woman shall be redeemed from the curse placed upon Eve, and I have often

thought that our daughters who are in polygamy will be the first redeemed. Then let us keep the commandents and attain to a fulness, and always bear in mind that our children born in the priesthood will be saviors on Mount Zion.

"Mrs. Zina D. Young said she was glad to look upon such an assemblage of bright and happy faces, and was gratified to be numbered with the spirits who had taken tabernacles in this dispensation, and to know that we are associated with kings and priests of God; thought we do not realize our privileges. Be meek and humble and do not move one step aside, but gain power over ourselves. Angels will visit the earth, but are we, as handmaids of the Lord, prepared to meet them? We live in the day that has been looked down to with great anxiety since the morn of creation.

"Mrs. M. T. Smoot said: 'We are engaged in a great work, and the principles that we have embraced are life and salvation unto us. Many principles are advanced on which we are slow to act. There are many more to be advanced. Woman's rights have been spoken of. I have never had any desire for more rights than I have. I have considered politics aside from the sphere of woman; but, as things progress, I feel it is right that we should vote though the path may be fraught with difficulty.'

"Mrs. Wilmarth East said she would bear testimony to what had been said. She had found by experience that 'obedience is better than sacrifice.' I desire to be on the safe side and sustain those above us; but I cannot agree with Sister Smoot in regard to woman's rights. I have never felt that woman had her privileges. I always wanted a voice in the politics of the nation, as well as to rear a family. I was much impressed when I read the poem composed by Mrs. Emily Woodmansee—'Who Cares to Win a Woman's Thought.' There is a bright day coming; but we need more wisdom and humility than ever before. My sisters, I am glad to be associated with you—those who have borne the heat and burden of the day, and ask God to pour blessings on your head.

"Eliza R. Snow, in closing, observed, that there was a business item she wished to lay before the meeting, and suggested that Sister Bathsheba W. Smith be appointed on a mission to preach retrenchment all through the South, and woman's rights if she wished.

"The suggestion was acted upon, and the meeting adjourned with singing 'Redeemer of Israel,' and benediction by Mrs. M. N. Hyde."

The municipal election in Salt Lake City, which occured but two days after the approval of the bill in question, presented, as we have seen, the first political issue in our city, from any organized opposition party; but the new voting element placed in the hands of the People's party by the passage of this bill was not brought largely into requisition. Only a few of the "sisters" claimed the honor of voting on the occasion. The first of these was Miss Seraph Young, a niece of President Young.

But probably the most remarkable woman's rights demonstration of the age, was that of the women of Utah, in their great mass meetings, held throughout the Territory, in all its principal cities and settlements, in January of 1870 relative to the Cullom bill.

On the 13th of January, 1870, "notwithstanding the inclemency of the weather, the old tabernacle," says the *Deseret News*, "was densely packed with ladies of all ages, and, as that building will comfortably seat five thousand persons, there could not have been fewer than between five and six thousand present on the occasion."

It was announced in the programme that there were to be none present but ladies. Several reporters of the press, however, obtained admittance, among whom was Colonel Finley Anderson, special correspondent of the *New York Herald*.

The meeting was opened with a very impressive prayer from Mrs. Zina D. Young; and then, on motion of Miss Eliza R. Snow, Mrs. Sarah M. Kimball was elected president. Mrs. Lydia Alder was chosen secretary, and Mrs. M. T. Smoot, Mrs. M. N. Hyde, Isabella Horn, Mary Leaver, Priscilla Staines and Rachel Grant, were appointed a committee to draft resolutions. This was done with executive dispatch; for many present had for years been leaders of women's organizations. The president arose and addressed a few pithy remarks to the vast assemblage. She said:

"We are to speak in relation to the government and institutions under which we live. She would ask, have we transgressed any law of the United States? [Loud 'no' from the audience.] Then why are we here to-day? We have been driven from place to place, and wherefore? Simply for believing and practicing the counsels of God, as contained in the gospel of heaven. The object of this meeting is to consider the justice of a bill now before the Congress of the United States. We are not here to advocate woman's rights, but man's rights. The bill in question would not only deprive our fathers, husbands and brothers of enjoying the privileges bequeathed to citizens of the United States, but it would deprive us, as women, of the privilege of selecting our husbands; and against this we unqualifiedly protest."

During the absence of the committee on resolutions speeches were delivered and then the committee on resolutions reported the following:

"*Resolved*, That we, the ladies of Salt Lake City, in mass-meeting assembled, do manifest our indignation, and protest against the bill before Congress, known as 'the Cullom bill,' also the one known as 'the Cragin bill,' and all similar bills, expressions and manifestoes.

"*Resolved*, That we consider the above named bills foul blots on our national escutcheon—absurd documents—atrocious insults to the honorable executive of the United States Government, and malicious attempts to subvert the rights of civil and religious liberty.

"*Resolved*, That we do hold sacred the constitution bequeathed us by our forefathers, and ignore, with laudable womanly jealousy, every act of those men to whom the responsibilities of government have been entrusted, which is calculated to destroy its efficiency.

"*Resolved*, That we unitedly exercise every moral power and every right which we inherit as the daughters of American citizens, to prevent the passage of such bills, knowing that they would inevitably cast a stigma on our republican

government by jeopardizing the liberty and lives of its most loyal and peaceful citizens.

"*Resolved*, That, in our candid opinion, the presentation of the aforesaid bills indicates a manifest degeneracy of the great men of our nation; and their adoption would presage a speedy downfall and ultimate extinction of the glorious pedestal of freedom, protection, and equal rights, established by our noble ancestors.

"*Resolved*, That we acknowledge the institutions of the Church of Jesus Christ of Latter-day Saints as the only reliable safeguard of female virtue and innocence; and the only sure protection against the fearful sin of prostitution, and its attendant evils, now prevalent abroad, and as such, we are and shall be united with our brethren in sustaining them against each and every encroachment.

"*Resolved*, That we consider the originators of the aforesaid bills disloyal to the constitution, and unworthy of any position of trust in any office which involves the interests of our nation.

"*Resolved*, That, in case the bills in question should pass both Houses of Congress, and become a law, by which we shall be disfranchised as a Territory, we, the ladies of Salt Lake City, shall exert all our power and influence to aid in the support of our own State government."

These resolutions were greeted with loud cheers from nearly six thousand women, and carried unanimously.

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## CHAPTER XLIX.

BRIEF REVIEW OF UTAH IN CONGRESS, FROM ITS ORGANIZATION TO THE PASSAGE OF THE CULLOM BILL. GREAT SPEECH OF DELEGATE HOOPER IN CONGRESS AGAINST THE BILL, IN WHICH HE REVIEWS THE COLONIZING WORK OF THE MORMONS IN THE WEST, AND JUSTIFIES HIS POLYGAMOUS CONSTITUENTS.

In the exhibition of these wonderful mass meetings of fifty thousand organized Mormon women held throughout the Territory, to preserve their sacred institutions, the reader has a marked example typical of the Mormon people; but we must now give a more regular review of the Congressional subject relative to Utah.

Utah can scarcely be said to have possessed any political or congressional history until the period of the Utah war. Previously her condition and career had been almost entirely primitive and patriarchal. The Hon. John M. Bernhisel, delegate from Utah through this period, had served his constituents faithfully; but no feature of that service stands out so prominent as to require special mention. The

general history, up to this time, may therefore be considered as including the congressional.

The "Mormon war," of course, had somewhat interrupted the relations between Utah and the nation. In the eyes of the American public, Utah had been in rebellion; although, as we have seen, the controversy had been amicably settled, and the Mormons had been pardoned of all their political offences.

It was under this aspect of affairs that William H. Hooper was elected delegate to Congress, from Utah, in August, 1859. His position was a delicate one, his task arduous, and the case he had to handle certainly a very peculiar and complex case, looking at it from whatever point of view. Notwithstanding his constituents held that they were in the right in the late controversy which had nearly come to bloodshed, and notwithstanding their affirmation that they had stood upon their constitutional ground, and had merely resisted, by a practical but a justifiable protest, an unconstitutional invasion of the rights of American citizens, delegate Hooper well knew that the general public took another view of the case. But the great advantage which Hooper possessed, and which enabled him to master the situation, was in his thorough appreciation of the views and shapings of both sides. Therefore, while the delegate was prepared to stand by his people, in the defence of all their constitutional rights, and to ward off any new difficulty, he was equally ready to "see eye to eye" with members of Congress. This was the exact reason why Brigham Young sent him; indeed, one of Brigham's greatest gifts is manifested in his choice of the fittest instruments for the work and the times.

Fortunately, also, when Hooper went to Congress as delegate in 1859, the members were disposed to humor the Mormon view of the Utah expedition and troubles, and he in turn humored them most politicly.

As we have seen, the public, and especially journalists and Congressmen, were only too willing to treat the Utah war as Buchanan's affair, and wipe the hands of the nation clean of it. With this feeling came the good-natured inclination to let the Mormons have all they asked for, if they only asked in reason. And Congress had a Utah delegate of a most sagacious, practical turn of mind, who understood his points too well to ask for more than was certain to be granted, contenting himself, in the rest, in working up a good feeling towards his constituents.

Delegate Hooper settled everything he touched. There were two sessions of the Utah Legislature unrecognized and unpaid; Governor Young's accounts against the U. S. Treasury were unsettled; and the expenses of the Indian war of 1850, were still due to the Territory. All this the energetic and influential delegate brought to a settlement. Besides this financial triumph, a bill which passed the House, for the suppression of polygamy, never became a law, and the thirty-sixth Congress ended, leaving Utah affairs comparatively tranquil.

Notwithstanding that in the thirty-sixth Congress, Utah had met a very fair adjustment, and that it was indeed the only one in which Utah, up to this date, had risen to anything like political importance in the nation, the Hon. John M. Bernhisel was returned to the thirty-seventh Congress. This may have been intended as a recognition of the past service of that gentleman, before his final retirement from public life, but it is evident that he was not

so well fitted for the post as Delegate Hooper. Dr. Bernhisel was originally rather a professional than a political character,—something of a Mormon elder in Congress, representing a religious people; whereas, Hooper was a successful merchant, and full of political sagacities. It is true the latter might not have been able to have prevented the passage of the anti-polygamic bill of 1862, but he certainly would have rallied a host of political friends against it. Without wasting his strength to show the "unconstitutionality" of the bill, he would have adopted the more practical line of argument that the bill must, from its very nature, remain inoperative for years, thus giving, tacitly, a license for the continuation of polygamy. This has been abundantly recognized by members of Congress since. The bill of 1862 has been considered by them to be as great a nuisance as polygamy itself. Surely Hooper would have foreshadowed the difficulties of special legislation, in such a delicate matter as the marriage question of an entire community. Moreover, in 1862, the whole responsibility of the abolition of thousands of plural marriages rested entirely with Congress, there having been no primary agitation of the matter by the people of Utah themselves. But the thirty-seventh Congress, in its innocence, passed that bill, committing almost as great a blunder as did Buchanan in the case of the Utah war.

The Hon. John M. Burnhisel returned to his constituents, and the Hon. John F. Kinney was elected to succeed him. For a number of years, Judge Kinney had been Chief Justice of Utah, but he had been just removed by Lincoln, it is said, for too faithfully serving the Mormons. Be that as the reader may please to consider, the Mormons were grateful, and resolved that the Chief Justice should not go from them in disgrace. They accordingly elected him to represent them in the thirty-eighth Congress; and so the Chief Justice, instead of returning to his friends in the East, under a cloud, went to Washington in triumph, to take his seat in the Congress of the United States.

Judge Kinney was a brilliant man, and he soon won golden opinions from both constituents and strangers, by his eloquent efforts in Congress.

But he was not essentially identified with the destiny of Utah, although a constant friend of the people, and it became evident that the congressional career of a Gentile, representing a purely Mormon constituency, must tend more to his political advancement than to their potency. He might have built a pinnacle on their political destiny; they could build nothing on his political fame. They had the example of Judge Douglas before them—"the Mormon-made Senator"—who in his career nearly reached the Presidency of the United States, yet who recommended to Congress the expediency of cutting the "loathsome ulcer out"—the "ulcer" being the people who, in his rise to fame, had done so much to uplift him. In justice, however, it should be said that Judge Kinney served his constituents well and faithfully.

With the return of Hon. W. H. Hooper to the thirty-ninth Congress, the prestige of home delegates was restored. His influence was greater than ever, both at home and in Washington. The very change for a time from Mormon to Gentile had enhanced that influence, and illustrated the eminent consistency of a man who was politically in harmony with Congress, yet in destiny one with the Mormon people, representing them as their delegate. We are ever impressed

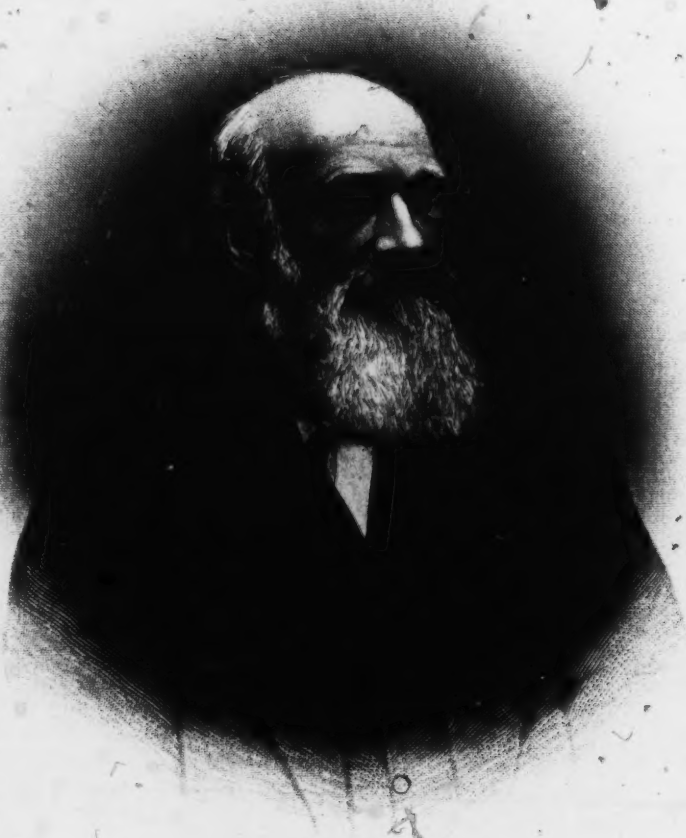
with that law which is described as the "eternal fitness of things;" so Congress could better understand and respect William H. Hooper maintaining the integrity of the Mormon commonwealth, and reconciling it with the rights of the American citizen, than it could the representation of Utah in those days, by a Gentile delegate. Hooper had by far the greatest influence in Congress; his earnestness in controversy was respected by his congressional colleagues, even when they were resolutely bent on an anti-Mormon policy; and the very fact that he was a well-known monogamist only rendered his defence of the religious rights of his polygamic constituents more truly American in spirit.

During the thirty-ninth and fortieth Congresses, to the commencement of Grant's administration, 1869, nothing very formidable was proposed or carried out against the founders of Utah. Bills were introduced by Mr. Ashley, then chairman of the Territorial Committee, and others, looking to the disintegration of the Territory; but only a passive recognition was given those measures by Congress. Gentile delegations also went to Washington from Utah urging legislation against the Mormons; but Congress was busy with the great question of "reconstruction," and the impeachment of President Johnson, and thus Utah, a minor question, was overlooked.

The pasive action of Congress towards Utah, coupled with the wholesome legislation of the Johnson period, among which was the establishment of the present land system, the enlargement of the postal service, and a partial recognition of local self-government, warranted the hope that a brighter day was dawning for the Territory, inasmuch as the delegate was consulted in the choice of Federal officers who were not objectionable to the people.

But, with the commencement of Grant's administration, a new warfare was opened, and early in the first session under his Presidency, the Cullom bill was introduced in the House. Its monstrosity was such that scarcely a section did not propose measures in violation of the most sacred provisions of the Constitution. It is understood that this bill was framed in Utah. It was like a *résume* of the Cragin bill; and Senator Cragin at once adopted it as his *protegé*. He could well afford this, for it was a more perfected anti-Mormon measure than his own, bristling with formidable points of special legislation against "Polygamic Theocracy," wherever touched. General Cullom fathered the bill in the House; Senator Cragin introduced it in the Senate. The Cullom bill was published and reviewed by nearly all the journals in the country. From the standpoint of newspaper criticism, it was very difficult to tell exactly what was its moral character. There was, however, a pretty general confession that it was an infamous bill; yet, with a strange consistency, it was quite as candidly confessed that it was not nearly bad enough to satisfy the popular desire.

Sargent, Axtell and Fitch spoke against the bill. The Hon. Thomas Fitch's speech was one of the most powerful efforts of oratory that Congress has had the privilege of listening to in these latter days. Not, however, from the bill itself did Mr. Fitch conjure the effectiveness of his speech, but over the prospect of the blood and the millions of money which it must cost the nation to enforce its provisions. Fitch's speech created so much sensation in the House that General Cullom himself proposed the temporary recommittal of the bill.



J. W. Harper

The Cullom bill not only stirred the entire nation to a desire for special legislation against the Mormons, but also Mormondom to its very centre.

The crowning moment came. Delegate Hooper was on the floor of the House with his plea for religious liberty, which we quote from the *Congressional Record*. He said:

"MR. SPEAKER.—I wish to make a few remarks concerning the extraordinary bill now under consideration. While so doing, I crave the attention of the House, for I am here, not alone as one of the people sought to be cruelly oppressed; not only as the delegate representing Utah; but as an American citizen, to utter my solemn protest against the passage of a bill that aims to violate our dearest rights and is fraught with evil to the Republic itself.

"I do not propose to occupy the time of the House by dwelling at length upon the vast contributions of the people of Utah to the wealth of the nation. There is no member in the House who does not recollect in his schoolboy days the vast region of the Rocky Mountains characterized in the geographies as the 'Great American Desert.' 'There' said those veracious text books, 'was a vast region wherein no man could live. There were springs and streams, upon the banks of which could be seen the bleaching bones of animals and of men, poisoned from drinking of the deadly waters.' Around the borders of the vast desert, and in its few habitable parts, roamed the painted savages, only less cruel and remorseless than the desert itself.

"In the midst of this inhospitable waste to-day dwell an agricultural, pastoral, and self-sustaining people, numbering 120,000 souls. Everywhere can be seen the fruits of energetic and persistent industry. The surrounding mining Territories of Colorado, Idaho, Montana, Arizona and Neveda, in their infancy, were fed and fostered from the surplus stores of the Mormon people. The development of the resources of these mining Territories was alone rendered possible by the existence at their doors of an agricultural people, who supplied them with the chief necessities of life at a price scarcely above that demanded in the old and populous States. The early immigrants to California paused on their weary journey in the redeemed wastes of Utah, to recruit their strength, and that of their animals, and California is to day richer by thousands of lives and millions of treasure, for the existence of this half-way house to El Dorado.

"To the people of Utah, therefore, is to be attributed no inconsiderable part in the production of the vast mineral wealth which has poured into the coffers of the nation from our mining States and Territories.

"This, however, is but a tithe of our contributions to the nation's wealth. By actual experiment we have demonstrated the practicability of redeeming these desert wastes. When the Pacific slope and its boundless resources shall have been developed; when beyond the Rocky Mountains 40.000,000 of people shall do homage to our flag, the millions of dwellers in Arizona, Nevada, Idaho, Colorado and Montana, enriched by the products of their redeemed and fertilized deserts, shall point to the valley of Great Salt Lake as their examplar, and accord to the sturdy toilers of that land due honor, in that they inaugurated the system and demonstrated its possible results. These results are the offering of Utah to the nation.

"When Robert Fulton's first steamboat moved from New York to Albany, so far as concerned the value of the vessel, he had made scarce a perceptible addition to our merchant marine; but the principle, the practicability of which he then demonstrated, was priceless, and enriched the nation more than if she had received the gift of the vessel, built from and loaded with solid gold.

"I will not, Mr. Speaker, tresspass upon the time of the House by more than thus briefly adverting to the claims of Utah to the gratitude and fostering care of the American people.

"For the first time in the history of the United States, by the introduction of the bill under consideration, a well defined and positive effort is made to turn the great law-making power of the nation into a moral channel and to legislate for the consciences of the people.

"Here, for the first time, is a proposition to punish a citizen for his religious belief and unbelief. We have before us a statute book designating crime. To restrain criminal acts, and to punish the offender, has heretofore been the province of the law, and in it we have the support of the accused himself. No man comes to the bar for trial with the plea that the charge upon which he is arraigned constitutes no offence, His plea is 'Not guilty.' He cannot pass beyond and behind the established conclusions of humanity. But this bill reaches beyond that code into the questionable world of morals—the debatable land of religious beliefs; and, first creating the offense, seeks with malignant fury of partisan prejudice and sectarian hate to measure out the punishment.

"The bill before us declares that that system which Moses taught, that God allowed, and from which Christ, our Savior, sprung, is a crime, and that any man believing in it and practicing it—I beg bardon, the bill, as I shall presently show, asserts that belief alone is sufficient—that any so offending shall not be tried, but shall be convicted, his children declared bastards, his wives turned out to starve, and his property be confiscated, in fact, for the benefit of the moral reformers, who, as I believe, are the real instigators in this matter.

"The honorable member from Illinois, the father of this bill, informs us that this is a crime abhorred by men, denounced by God, and prohibited and punished by every State in the Union. I have a profound respect for the motives of the honorable member. I believe he is inspired by a sincere hostility to that which he so earnestly denounces. No earthly inducement could make him practice polygamy. Seduction, in the eyes of thousands, is an indiscretion, where all the punishment falls upon the innocent and unoffending. The criminal taint attaches when the seducer attempts to marry his victim. This is horrid. This is not to be endured by man or God, and laws must be promulgated to prevent and punish.

"While I have this profound regard for the morals and motives of the honorable member, I must say that I do not respect, to the same extent, his legal abilities. Polygamy is not denounced by every State and Territory, and the gentleman will search in vain for the statute or criminal code of either defining its existence and punishment. The gentleman confounds a religious belief with a criminal act. He is thinking of bigamy when he denounces polygamy, and in the confusion that follows, blindly strikes out against an unknown enemy. Will he permit me to call his attention to the distinction? Bigamy means the wrong

done a woman by imposing upon her the forms of matrimony while another wife lives, rendering such second marriage null and void. The reputation and happiness of a too confiding woman is thus forever blasted by the fraudulent acts of her supposed husband, and he is deservedly punished for his crime. Polygamy, on the contrary, is the act of marrying more than one woman, under a belief that a man has a right, lawfully and religiously, so to do, and with the knowledge and consent of both his wives.

"I suppose, Mr. Speaker, that in proclaiming the old Jeffersonian doctrine that that Government is best which governs least, I would not have even a minority upon the floor. But when I say that in a system of self-government such as ours, that looks to the purest democracy, and seeks to be a government of the people, for the people, and by the people, we have no room for the guardian, nor, above all, for the master, I can claim the united support of both parties. To have such a government; to retain such in its purest strength, we must leave all questions of morals and religion that lie outside the recognized code of crime to the conscience of the citizen. In an attempt to do otherwise than this, the world's abiding places have been washed with human blood, and its fields made rich with human bones. No government has been found strong enough to stand unshaken above the throes of religious fanaticism when driven to the wall by religious persecution. Ours, sir, would disappear like the "baseless fabric of a vision" before the first blast of such a convulsion. Does the gentleman believe, for example, that in aiming this cruel blow at a handful of earnest followers of the Lord in Utah, he is doing a more justifiable act than would be, in the eyes of a majority of our citizens, a bill to abolish Catholicism, because of its alleged immorality; or a law to annihilate the Jews for that they are Jews, and therefore obnoxious? Let that evil door once be opened; set sect against sect; let the Bible and the school books give place to the sword and the bayonet, and we will find the humanity of to-day the humanity of the dark ages, and our beautiful government a mournful dream of the past.

"This is not only philosophically true, but, sir, it is historically a fact. In making the appeal, I stand upon the very foundation-stone of our constitutional Government. That they might worship God in accordance with the dictates of conscience, the fathers fled from their homes in Europe to the wilds in America. For this they bore the fatigues or perished in the wilds of a savage-haunted continent; for this they poured out their blood in wars, until every stone in the huge edifice that shelters us as a nation is cemented by the blood of a martyr. Upon this, however, I need not spend my time or yours; a mere statement of the proposition is a conclusive argument from which the people, in their honest instincts, will permit no appeal. In our Constitution, still perfect and fresh as ever, we have a clause that cannot be changed and leave a vestige of a free government. In the original instrument we find this language: "No religious tests shall ever be required as a qualification to any office or public trust under the United States." But this was not considered sufficiently comprehensive for a free people, and subsequently we find it declared, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

"Upon the very threshold of my argument, however, I am met by the advo-

cates of this extraordinary bill with the assumption that polygamy is not entitled to be considered as a portion of our religious faith; that under the Constitution we are to be protected and respected in the enjoyment of our religious faith, but that we are not entitled to consider as a portion thereof the views held by us as a people in reference to the marriage relation. One eminent disputant, as an argument, supposes a case where a religious sect might claim to believe in the rightfulness of murder, and to be protected in the enjoyment of that right. This is not in any sense a parallel case. Murder by all law, human and divine, is a crime; polygamy is not. In a subsequent portion of my remarks, I will show, that not only the authority of the Old Testament writers, but by numerous leading writers of the Christian church, the doctrine of polygamy is justified and approved. The only ground upon which any argument can be maintained that our views of the marriage relation are not to be considered as a portion of our religious faith, is that marriage is a purely civil contract, and therefore outside the province of religious doctrine. No sect of Christians can, however, be found who will carry their beliefs to this extent. The Catholic Church, the most ancient of Christian churches, and among the most powerful in numbers of the religious denominations of our country, upon this point is in accord with the Mormon church. Marriage, according to the faith of the Catholic church, is one of its sacraments; is not in any sense a civil contract, but a religious ordinance, and the validity of a divorce granted by a civil court is denied. And not in any Christian church is the marriage contract placed on a par with other civil contracts—with a swap of horses or a partnership in trade. It is a civil contract, in that a court of equity, for certain specified causes, may dissolve it; but not otherwise. Upon the marriage contract is invoked the most solemn sanctions of our Christians; the appointed ministers and servants of God, by their presence and aid, give solemnity and efficiency to the ceremonial, and upon the alliance is invoked the Divine guidance and blessing. To most intents and purposes, with every Christian denomination, the marriage ceremony is regarded as a religious ordinance. Upon this point, therefore, and a vital point in the discussion of the question before us, the Catholic church in fact, and the other religious denominations in theory and usual practice, are with the Mormons in their position, that the supervision and control of the marital relation is an integral and essential portion of their religious faith and practice, in the enjoyment of which they are protected by the Constitution.

"The Mormon people are a Christian denomination. They believe fully in the Old and New Testaments in the divinty of Christ's mission, and the upbuilding and triumph of his church. They do not believe, however, that light and guidance from above, ceased with the crucifixion on Calvary. On the other hand, they find that in all ages, whenever a necessity therefor existed, God has raised up prophets to speak to the people, and to manifest to them his will and requirements. And they believe that Joseph Smith was such a prophet; that the time had arrived when there was a necessity for further revelation, and through Joseph Smith it was given to the world.

"Upon this point of continuous revelation, which is really one of the turning points of the controversy, we are in accord with many of the most emi-

nent divines of the Christian church, and with the most earnest and vigorous thinkers of our own day.

"Upon the departure of the Pilgrim Fathers from Holland to America, the Rev. John Robinson, their beloved pastor, preached a farewell sermon, which showed a spirit of mildness and tolerance truly wonderful in that age, and which many who claim to be ministers of God would do well to imitate in this:

"'Brethren, we are quickly to part from one another, and whether I may ever live to see your faces on earth any more, the God of heaven only knows; but whether the Lord hath appointed that or not, *I charge you before God and his blessed angels, that you follow me no further than you have seen me follow the Lord Jesus Christ. If God reveal anything to you by any other instrument of His, be as ready to receive it as you were to receive any truth from my ministry;* for I am fully persuaded, I am very confident, that the Lord has *more truth yet to break forth out of His holy word.*

"'For my part I cannot sufficiently bewail the condition of the reformed churches, who are come to a period in religion, and will go at present no further than the instruments of their information. The Lutherans cannot be drawn beyond what Luther saw. Whatever part of His will our good God has revealed to Calvin, *they will rather die than embrace it;* and the Calvinists, you see, stick fast where they were left by that *great man of God, who yet saw not all things.*

"'This is a misery much to be lamented, for though they were burning and shining lights in their time, *yet they penetrated not into the whole counsel of God;* but were they now living, would be as ready to embrace further light as that which they first received. I beseech you to remember that it is an article of your covenant, that you shall be ready to receive *whatever truths shall be made known to you from the written word of God.*'"

"And says Ralph Waldo Emerson, in one of his golden utterances 'I look for the hour when that supreme beauty which ravished the souls of those Hebrews and through their lips spoke oracles to all time, shall speak in the West also. The Hebrew and the Greek Scriptures contain immortal sentences that have been the bread of life to millions. But they have no epical entirety; are fragmentary; are not shown in their order to the intellect. I look for the new Teacher that shall follow so far these shining laws that he shall see some full circle; shall see their rounding, complete grace; shall see the world to the mirror of the soul.'

"Conceding, therefore, that new revelation may be at all times expected in the future of our race, as they have been at all times vouchsafed in the past, and the whole controversy ends. A man has arisen named Joseph Smith, he claims to be a prophet of God, and a numerous community see fit to admit the justice of such claim. It is a religious sect; it has to-day vindicated its right to live by works and sacrifices which are the admiration even of its enemies. It brings forward certain new doctrines; of church government; of baptism even for their dead; of the marriage relation. Upon what point is it more probable that light from above would be given to our race, than upon the marriage relation? The social problem is the question of the age. The minds of many of the foremost men and women of our days are given to the study of the proper position and relations of the sexes. The wisest differ—differ honestly and unavoidably. Endless

is the dispute and clamor of those honestly striving to do away with the social evil; to ameliorate the anomalous condition of the wronged and suffering women of to-day. And while this is so; while thousands of the good and pure of all creeds and parties are invoking the Divine guidance in their efforts for the good of our fallen humanity, is it strange that the Divine guidance thus earnestly besought should come—that the prayer of the righteous be answered? The Mormon people believe that God has thus spoken; that through Joseph Smith he has indicated that true solution of the social questions of our day; and while they persecute or question no man for differing honestly with them, as to the Divine authority of such revelations, they firmly insist that in their following of what they believe to be the will of God, they are entitled to the same immunity from persecution at the hands of the Government, and the same liberty of thought and speech, wisely secured to other religious beliefs by the Constitution.

"Upon the point whether polygamy can properly be considered as a part of our religious faith and practice, I beg leave humbly further to submit, sir, that the decision rests solely on the conscience and belief of the man and woman who proclaim it to be a religious belief. As I have said, it is not numbered among the crimes of that code recognized by all nations having any form of government under which criminals are restrained or punished, and to make it such, a new code must be framed. My people proclaim polygamy as a part of their religious belief. If they are honest in this, however much this may be in error, they stand on their rights under the Constitution, and to arrest that error you must appeal to reason, and not to force. I am here, not to argue or demonstrate the truthfulness of their faith; I am not called upon to convince this honorable House that it is either true or false; but if I can convince you that this belief is honorably and sincerely entertained, my object is accomplished.

"It is common to teach, and thousands believe that the leaders of the sect of Latter-day Saints, popularly known as Mormons, are hypocrites, while their followers are either ignorant, deluded men and women, or people held to their organization by the vilest impulses of lust. To refute these slanders, I can only do as the earlier Christians did, point to their sufferings and sacrifices, and I may add, the unanimous testimony of all, that aside from what they consider the objectionable practice of polygamy, my constituents are sober, moral, just, and industrious in the eyes of all impartial witnesses. In this community, removed by long reaches of wastes from the moral influences of civilization, we have a quiet, orderly and Christian community. Our towns are without gambling hells, drinking saloons, or brothels, while from end to end of our Territory the innocent can walk unharmed at all hours. Nor is this due to an organized police, but to the kind natures and Christian impulses of a good people. In support of my argument of their entire sincerity, I with confidence appeal to their history.

"The Mormon Church was established at Fayette, New York, in the year 1830. In 1831, the headquarters of the people was removed to Kirtland, Ohio, and considerable numbers of missionaries were sent out to preach the new religion in various parts of the Northern States. Many converts were made and removed to Kirtland, but they were subject to various petty annoyances and persecutions by the surrounding people. Land not being abundant or easily acquired for the

rapidly increasing numbers, the new converts were advised to locate in Jackson County, Missouri, where land was abundant and cheap—where, in fact, but few settlers had preceded our people. The Mormons soon became a prosperous and wealthy community; the same habits of industry and thrift which they have ever maintained being even then vigorously inculcated by their leaders. Many hundred thousand acres of Government land were purchased, fine farms and thriving settlements were established, and the first printing press in western Missouri put in operation. But the wealth acquired by the people was desired by our neighbors; the lawless border-men, who afterwards made the frontiers of Kansas their battlefield, attacked, plundered, and murdered our settlers, and finally drove them from their delightful homes, which they appropriated to themselves. The title to much of the land in Jackson and other counties is to-day in Mormons, who were then driven from their homes. During the trouble incident to the expulsion of the Mormons, hundreds of men, women, and children were murdered, or died from diseases caused by exposure to the inclemencies of the weather. The wretched refugees afterwards located in Clay, Caldwell, and Davis counties, Missouri, where there were almost no settlers, and where, within a few years their industries had again built up thriving settlements and accumulated large herds of stock. The outrages of Jackson County were then repeated, the Mormons driven from their homes, which were seized by the marauders and thousands of women and children driven forth homeless, and the prey for the border-ruffians whose cupidity had been excited by the wealth of the industrious exiles. Hundreds perished from cold, exposure and starvation. But their leaders, sustained by an undying faith, again called together their scattered and impoverished followers and removing to Illinois, founded the city of Nauvoo.

"For several years they were comparatively undisturbed; they built up one of the most thriving and beautiful cities of the State. Far as the eye could reach from the eminence of their temple, the well-tilled farms and gardens, the comfortable farm-houses, the mills and factories, and well-filled schools, attested the industry, the thrift, and the wealth of the once persecuted people. But again their wealth created envy in the lawless border-men of the new State. Without what even their enemies claim was justifiable cause, and in a manner which Governor Ford characterized as a permanent disgrace to the people of the State, they were attacked, pillaged, and driven across the river; their houses burned; their women and children driven forth unsheltered in the inclement season of the year; their leaders brutally murdered.

"The annals of religious persecution, so fruitful of cruel abuse, can give nothing more pitiable and heart-rending than the scenes which followed this last expulsion. Aged men and women, the sick and feeble, children of tender years, and the wounded, were driven into the flats of the river, yet in sight of their once happy houses, to perish from exposure and starvation. While over our broad land the church bells of Christian communities were ringing out peace and good-will to men; while to the churches thronged thousands to hear preached the gospel of charity and forgiveness; these poor, heart-sick followers of the same Redeemer, were driven in violence from their houses to perish like wild beasts in the swamps and wilderness. The gentlemen charged us with hypocrisy and de-

praved lust for motives, with such a record as this to mock their charge! The world has many hypocrites, and is well filled with wicked men, but they keep about them the recompense of sin, and have other histories than this I give you, and which history no man can deny.

"Word went out to the world that Mormonism had finally been annihilated. But again the scattered hosts were gathered together, and set out on a pilgrimage, that since that of the children of Israel has been without parallel in the history of the human race. They had no stores, they were beggared in the world's goods yet with earnest religious enthusiasm they toiled on through unknown deserts, over unexplored mountain ranges, and crossed plains haunted by savages, only less cruel than the white Christian who had driven them forth in search of that promised land, where at last they could worship God in accordance with the dictates of their own consciences, and find unbroken that covenant of the Constitution which guards this sacred right. Ragged, foot-sore, starving, wretched, they wandered on. Delicately nurtured women and their children dug roots, or subsisted on the bark of trees or the hides of animals. From Nauvoo to Salt Lake, the valley of their promised land—1,500 miles—there is to-day scarce a mile along that dreary and terrible road, where does not repose the body of some weary one, whom famine, or sickness, or the merciless savage, caused to perish by the way.

"It was while on this pilgrimage that an order came from the Government for five hundred men to serve as soldiers in the Mexican war. The order was promptly obeyed. These devoted men, who had received only cruel persecution from the people they were called upon to protect on the field of battle, dedicated their poor, helpless wives to God, and themselves to their country. Leaving their families to struggle on as best they could, these brave, patriotic men followed our flag into New Mexico and California, and were at last disbanded at San Diego, with high praise from their officers, but with scanty means to return to those they loved, and whom they had left to suffer, and perhaps to perish on the way.

"Thus, Mr. Speaker, three times did this persecuted people, before their location in Utah, build up for themselves pleasant and prosperous homes, and by their industry surrounded themselves with all the comforts and appliances of wealth; and three times were they, by an unprincipled and outrageous mob, driven from their posessions, and reduced to abjectest poverty. And bear it in mind, that in every instance the leader of these organized mobs offered to all who would abandon and deny their faith, toleration and the possession of their homes and wealth. But they refused the tempting snare. They rejoiced that they were thought worthy to suffer for the Master, and, rather than to deny their faith, they welcomed privation; they sacrificed all that earth could offer; they died the saintly martyr's death.

"Mr. Speaker, is this shining record that of a community of hypocrites? What other Christian denomination of our country can show higher evidences of earnestness, of devoted self-sacrifice for the preservation of their religious faith?

"In further presentation of my argument, Mr. Speaker, that the doctrine of polygamy is an essential feature in our religious faith, and that in our adherence thereto we are advocating no new or unsupported theory of marriage, I crave the

indulgence of the House while I cite some few from the numerous writers of weight and authority in the Christian Church, who have illustrated or supported the doctrine.

"Now, sir, far be it from me to undertake to teach this learned House, and above all, the Hon. Chairman of the Committee on Territories great theological truths. If there be any subject with which this honorable body is especially conversant, it is theology. I have heard more Scripture quoted here, and more morality taught, than in any other place it was ever my fortune to serve. With great diffidence then, I venture to suggest to the supporters of this bill, that while polygamy had its origin in holy writ, taught as I have said before by the greatest of all law-makers, and not only tolerated, but explicitly commanded by the Almighty, as I shall presently show, monogamy, or the system of marriage now recognized by so many Christian nations, originated among the Pagans of ancient Greece and Rome.

"I know, sir, that the report accompanying the bill fetches vast stores of theological information to bear; informs us that polygamy is contrary to the Divine economy, and refers to the marriage of the first human couple, and cites the further testimony of the Bible, and that of the history of the world. Setting aside the last named as slightly too voluminous for critical examination in the present discussion, we will take up, as briefly as possible, the Divine authorities, and the commentaries and discussions thereon by eminent Christian writers, and see how far my people have been misled by clinging to them. As for the illustrious example quoted of our first parents, all that can be said of their marriage, is that it was exhaustive. Adam married all the women in the world, and if we find teaching by the example, we must go among his descendants, where examples can be found among the favored people of God, whose laws were of Divine origin, and whose conduct received sanction or punishment at His hands.

"At the period of the Reformation in Germany, during the early part of the 16th century, those great reformers, Luther, Melancthon, Zwingle, and Bucer, held a solemn consultation at Wittenburg, on the question, "Whether it is contrary to the Divine law for a man to have two wives at once?" and decided unanimously that it was not; and upon the authority of the decision, Philip, Landgrave of Hesse, actually married a second wife, his first being still alive. This fact is recorded in D'Aubigne's History of the Reformation, and by other authors of that period.

"Dr. Hugo Grotius, a celebrated Dutch jurist and statesman and most eminent law-writer of the seventeenth century, states 'the Jew's laws allow a plurality of wives to one man.'

"Hon. John Selden, a distinguished English author and statesman, a member of Parliament for 1624, and who represented the University of Oxford in the Long Parliament of 1640, in his work entitled, 'Uxor Hebraica,' the Hebrew Wife, says that 'polygamy was allowed, not only among the Hebrews, but in most other nations throughout the world; and that monogamy is a modern and a European custom, almost unknown to the ancient world.'

"Dr. Samuel Puffendorf, proffessor of law in the University of Hiedelberg, in Germany, and afterwards of Lund, in Sweden, who wrote during the latter

part of the 17th century, in his great work on the law of nature and nations, says that "the Mosaic law was so far from forbidding this custom (polygamy) that it seems in several places to suppose it;' and in another place he says, in reference to the rightfulness thereof, 'the polygamy of the *fathers*, under the old covenant, is an argument which ingenious men must confess to be unanswerable.'

"Rev. Gilbert Burnet, Bishop of Salisbury, the particular friend of William III., who was eminent among both historians and theologians, wrote a tract upon this subject, near the beginning of the 18th century. The tract was written on the question, 'Is a plurality of wives in any case lawful under the gospel?'"

The Hon. Delegate cited passages from the tracts and learned arguments from the pens of eminent Christian divines allowing polygamy to disciples whose faith and conscience had been educated by the Hebrew Scriptures to the adoption of plural marriage. And Mr. Hooper's argument was sonorous with a purer constitutional tone from the fact that he himself, like these divines, was in his own life a strict monogamist: it was purely the Hon. Delegate's Constitutional plea for the religious liberty of a conscientious people whom he represented before the Assembly of the Nation. The close of his argument on polygamy and the peroration of this remarkable speech shall be preserved in their historical entirety;—

"Rev. David A. Allen, D. D., a Congregationalist, and a missionary of the American Board of Commissioners for Foreign Missions, after a professional residence of twenty-five years in Hindostan, published a work in 1856, entitled 'India, Ancient and Modern,' in which he says, pp. 551-3:

"'Polygamy is practised in India among the Hindoos, the Mohammedans, the Zoroastricans, and the Jews. It is allowed and recognized by the institutes of Menu, by the Koran, by the Zendavesta, and, the Jews believe, by their scriptures, the Old Testament. It is recognized by all the courts in India, native and English. The laws of the British Parliament recognize polygamy among all these classes, when the marriage connection has been formed according to the principles of their religion and to their established forms and usages. The marriage of a Hindoo or a Mohammedan with his second or third wife is just as valid and as legally binding on all parties as his marriage with his first wife; just as valid as the marriage of any Christian in the Church of England. * * * * This man cannot divorce any of his wives if he would, and it would be great injustice and cruelty to them and their children if he should. * * * * His having become a Christian and embraced a purer faith will not release him from those obligations in view of the English Government and courts, or of the native population. Should he put them away, or all but one, they will still be legally his wives, and cannot be married to another man. And further, they have done nothing to deserve such unkindness, cruelty, and disgrace at his hands. * * * So far from receiving polygamy as morally wrong, they not unfrequently take a second or third wife with much reluctance, and from a painful sense of duty to perpetuate their name, their family and their inheritance.'

"In an appendix to this work, Dr. Allen informs the world that the subject of polygamy had been brought before the Calcutta Missionary Conference, a body composed of the missionaries of the various missionary societies of Great Britain and America, and including Baptists, Congregationalists, Episcopalians,

Methodists, Presbyterians, and others, in consequence of the application of Christian converts, who, having several wives each, to whom they had been legally married, now desired admittance into the Christian Churches. After frequent consultation and much consideration, the conference, says Dr. Allen, came unanimously to the following conclusion:

"'*If a convert, before becoming a Christian, has married more wives than one, in accordance with the practice of the Jewish and primitive Christian churches, he shall be permitted to keep them all, but such a person is not eligible to any office in the church.*'

"These facts, as Dr. Allen asserts them, have a direct and important bearing upon this bill and the accompanying report. They prove that one of its main charges, that polygamy is abhorrent to every Christian nation, is false, for the British Empire is a Christian nation, and Hindostan is an integral part of that empire, as much so as its American provinces are, or as Ireland is. Hindostan is a civilized country, with schools and colleges, and factories and railroads, and telegraphs and newspapers. Yet the great mass of the people, comprising more than eighty millions, are polygamists, and as such they are recognized and protected by the laws of the British Parliament, and the courts of the Queen's Bench; and the English and American missionaries of the gospel who reside there, and have resided there many years, and who know the practical working of polygamy, have assembled together in solemn conference and unanimously pronounced it to be right, and in accordance with the practice of the primitive Christian churches; and the French, the Spanish, the Dutch, the Portuguese, and other Christian nations are known to pursue a similar policy, and to allow the different peoples under their governments, the free and unmolested enjoyment of their own religions and their own marriage system, whether they are monogamous or polygamous.

"I trust, Mr. Speaker, that I have not wearied your patience by this citation of learned authorities upon the antiquity and universality of the polygamic doctrines. My object in this part of my argument is not to prove that polygamy is right or wróng, but simply to illustrate that a doctrine, the practice of which has repeatedly been commanded by the Almighty; which was the rule of life with the Jews at the time they were the chosen people of God, and were, in all things, governed by His dictation; which has among its supporters many of the most eminent writers of the Christian church of all ages, and which is now sanctioned by law and usage in many of the Christianized provinces of the British Empire, is not wrong in itself. It is a doctrine, the practice of which, from the precedents cited, is clearly not inconsistent with the highest purity of character, and the most exemplary Christian life. My opponents may argue that it is unsuited to the civilization of the age, or is the offspring of a religious delusion; but if so, its remedy is to be sought through persuasion, and not by the exercise of force; it is the field for the missionary and not for the jurist or soldier. It is a noble and a Christian work to purify and enlighten a benighted soul; to lift up those who are fallen and ready to perish; but from all the pulpits of the land comes up the cry that the fields are white for the harvest, while the laborers are few. So soon, however, as the Luthers, the Melancthons, the Whitfields of to-day, have

wiped out the immorality, licentiousness and crime of older communities, and have made their average morality equal to that of the city of Salt Lake, let them transfer their field of labor to the wilds of Utah, and may God forever prosper the right.

"I trust, Mr. Speaker, that men abler and more learned in law than I, will discuss the legal monstrosities of this bill, fraught with evil, as it is, not only to the citizen of Utah, but to the nation at large; but must be pardoned for calling special attention to the seventh section, which gives to a single officer, the United States marshal, with the clerk of the court, the absolute right of selecting a jury; and, further, to the tenth section, which provides that persons entertaining an objectionable religious theory—not those who have been guilty of the practice of polygamy, but who have simply a belief in the abstract theory of plural marriage—shall be disqualified as jurors.

"To see what a fearful blow this is at the very foundation of our liberties; what a disastrous precedent for future tyranny, let us recall for a moment the history of the trial by jury; something with which all are as familiar as with the decalogue, but which, like the ten commandments, may occasionally be recalled with profit. Jury trial was first known as a trial *per pais*; by the country; and the theory was, that when a crime has been committed, the whole community came together and sat in judgment upon the offender. This process becoming cumbersome as the population increased, twelve men were drawn *by lot* from the country, thus securing, as was supposed, a representation of the average public sentiment of the whole country, and which was further secured by requiring the finding of the jury to be unanimous.

"A fair trial by jury, by our Anglo-Saxon ancestors, was regarded as so precious, that in Magna Charta it is more than once insisted on as the principal bulwark of English liberty.

"Blackstone says of it: 'It is the glory of the English law. It is the most transcendent privilege which any subject can enjoy or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbors and equals; a provision which has, under Providence, secured the just liberties of this nation for a long succession of ages.'

"Our own people have been no whit behind the English in their high appreciation of the trial by jury. In the original Federal Constitution, it was provided simply that the 'trial of all crimes, except in cases of impeachment, shall be by jury.' The framers of the Constitution considered that the meaning of 'trial by jury' was sufficiently settled by long established usage and legal precedent, and that by the provision just cited was sufficient. But such was not the view of the people. One of the most serious objections to the adoption of the Constitution by the States was its lack of clearness upon this most vital point, and Alexander Hamilton, in one of the ablest and most carefully considered numbers of *The Federalist*, endeavored to explain away this objection. The Constitution was adopted, but the nation was not satisfied; and one of the earliest amendments to that instrument further provided that 'no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury' and that 'in all criminal prosecutions, the accused shall enjoy the

right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.'

"Thus, Mr. Speaker, it will be observed with what scrupulous solicitude our ancestors watched over this great safeguard of the liberties of the people. Nothing was left to inference or established precedent, but to every citizen was guaranteed in this most solemn manner an impartial trial by a jury of his neighbors and his peers, residents of the district where the offence was charged.

"Now, sir, is there any member of this House who will claim or pretend that the provisions of this bill are not in violation of this most sacred feature in our bill of rights? The trial by jury by this bill is worse than abolished, for its form —a sickening farce—remains, while its spirit is utterly gone. A packed jury is worse than no jury at all. The merest tyro in law, knows that the essence of a trial by jury consists in the fact that the accused is tried by a jury drawn by lot from among his neighbors; a jury drawn without previous knowledge, choice, or selection on the part of the Government; a jury which will be a fair epitome of the district where the offence is charged, and thus such a tribunal, as will agree to no verdict except such as, substantially, the whole community would agree to, if present and taking part in the trial. Any other system of trial by jury is a mockery and a farce. The standard of public morality varies greatly in a country so vast as ours, and the principle of a jury trial recognizes this fact, and wisely provides, in effect, that no person shall be punished who, when brought to the bar of public opinion in the community where the alleged offence is committed, is not adjudged to have been guilty of a crime. This most unconstitutional and wicked bill before us, defies all these well established principles and strikes at the root of the dearest right of the citizen. I have an earnest and abiding faith in the bright future of my native land; but if our national career, as we may fondly hope, shall stretch out before us unending glories, it will be because of the prompt and decisive rebuke, by the representatives of the people here, of all such legislation as that sought in the bill before us.

"I have touched more fully, Mr. Speaker, upon the feature of the bill virtually abolishing jury trial, than upon any other, because of its more conspicuous disregard of constitutional right. But the whole bill, from first to last, is most damnable in its provisions, and most unworthy of consideration by the representatives of a free people. This is an age of great religious toleration. This bill recalls the fearful days of the Spanish inquisition, or the days when, in New England, Quakers were persecuted or banished, and witches burned at the stake. It is but a short time since the country hailed with satisfaction a treaty negotiated on the part of a Pagan nation through the efforts of a former member of this body, and whose recent death has filled our hearts with sadness, whereby the polygamous Chinese emigrants to our shores are protected in the enjoyment of their idolatrous faith, and may erect their temples, stocked with idols, and perform their, to us, heathenish worship in every part of our land unquestioned. And while the civilized nations of Europe have combined to sustain and perpetuate a heathen nation practising polygamy in its lowest form, and are hailing with acclamation the approach of its head, the American Congress is actually deliberating over a bill

which contemplates the destruction of an industrious people, and the expulsion of the great organizer of border civilization. Can it be possible that the national Congress will even for a moment, seriously contemplate the persecution or annihilation of an integral portion of our citizens, whose industry and material development are the nation's pride, because of a slight difference in their religious faith? A difference, too, not upon the fundamental truths of our common Christianity but because of their conscientious adherence to what was once no impropriety even, but a virtue? This toleration in matters of religion, which is perhaps the most conspicuous feature of our civilization, arises not from any indifference to the sacred truths of Christianity, but from an abiding faith in their impregnability —a national conviction that truth is mighty and will prevail. We have adopted as our motto the sentiment of Paul; 'Try all things; prove all things, and hold fast to that which is good.' The ancient Jewish rabbi, in his serene confidence that God would remember his own, was typical of the spirit of our age: 'Refrain from these men and let them alone, for if this counsel or this work be of God, ye cannot overthrow it; but if it be of men, it will come to nought.'

"I have the honor of representing here a constituency probably the most vigorously lied about of any people in the nation. I should insult the good sense of this House and of the American people did I stoop to a refutation of the countless falsehoods which have been circulated for years in reference to the people of Utah. These falsehoods have a common origin—a desire to plunder the treasury of the nation. They are the children of a horde of bankrupt speculators, anxious to grow rich through the sacrifice even of human life. During the administration of Mr. Buchanan, a Mormon war was inaugurated, in great measure through the statements of Judge W. W. Drummond, a man of infamous character and life, and who is cited as authority in the report accompanying this bill. His statement, as there published, that the Mormons had destroyed all the records, papers, etc., of the supreme Federal court of the Territory, and grossly insulted the Federal officers for opposing such destruction, was, as I have been informed by unquestionable authority, one of, if not the principal cause of the so-called Mormon war. An army was sent to Utah; twenty or thirty millions of dollars were expended, before the Government bethought itself to inquire whether such statements were true; then inquiry was made, and it was learned that the whole statement was entirely false; that the records were perfect and unimpaired. Whereupon the war ended, but not until colossal fortunes were accumulated by the hangers-on and contractors for the army, who had incited the whole affair. These men, and numerous would-be imitators, long for the return of that golden age. Since the railroad was completed, many of the American people have looked for themselves. They see in Utah the most peaceful and persistently industrious people on the continent. They judge the tree by its fruits. They read that a community given up to lust does not build factories and fill up the land with thrifty farms. That a nation of thieves and murderers do not live without intoxicating liquors, and become famous for the products of their dairies, orchards, and gardens. A corrupt tree bringeth not forth the fruits of temperance, Christianity, industry and order.

"Mr. Speaker, those who have been so kind and indulgent as to follow me thus far will have observed that I have aimed, as best I might, to show—

"1. That under our Constitution we are entitled to be protected in the full and free enjoyment of our religious faith.

"2. That our views of the marriage relation are an essential portion of our religious faith.

"3. That in considering the cognizance of the marriage relation as within the province of church regulations, we are practically in accord with all other Christian denominations.

"4. That in our views of the marriage relation as a part of our religious belief, we are entitled to immunity from persecution under the Constitution if such views are sincerely held; that if such views are erroneous, their eradication must be by argument and not by force.

"5. That of our sincerity we have both by words, and works, and sufferings, given for nearly 40 years, abundant proof.

"6. That the bill, in practically abolishing trial by jury, as well as in many other respects, is unconstitutional, uncalled for, and in direct opposition to that toleration in religious belief which is characteristic of the nation and the age.

"It is not permitted, Mr. Speaker, that any one man should sit as the judge of another as regards his religious belief. This is a matter which rests solely between each individual and his God. The responsibility cannot be shifted or divided. It is a matter outside the domain of legislative action. The world is full of religious error and delusion, but its eradication is the work of the moralist and not of the legislator. Our Constitution throws over all sincere worshippers, at whatever shrine, its guarantee of absolute protection. The moment we assume to judge of the truthfulness or error of any creed, the constitutional guarantee is a mockery and a sham.

"Three times have my people been dispersed by mob violence, and each time they have arisen stronger from the conflict; and now the doctrine of violence is proposed in Congress. It may be the will of the Lord that, to unite and purify us, it is necessary for further violence and blood. If so, we humbly and reverently submit to the will of Him in whose hands are all the issues of human life. Heretofore we have suffered from the violence of the mob; now, the mob are to be clothed in the authority of an unconstitutional and oppressive law. If this course be decided upon, I can only say that the hand that smites us smites the most sacred guarantee of the Constitution, and the blind Samson, breaking the pillars, pulls down upon friend and foe alike the ruins of the State."

## CHAPTER L.

PASSAGE OF THE CULLOM BILL IN THE HOUSE. SALT LAKE CITY EXCITED BY THE NEWS. MASS MEETING AT THE TABERNACLE. MEMORIAL TO CONGRESS FROM THE MORMON COMMUNITY, AFFIRMING POLYGAMY AS A DIVINE LAW TO THEM, AND REVIEWING THE UNCONSTITUTIONAL FEATURES OF THE BILL. RESOLUTIONS. A RARE PURITANIC SPECTACLE.

The Cullom bill was passed in the House the same day that Hooper delivered his speech. He immediately telegraphed the fact home. Mormondom was aroused in a moment. The excitement was intense. A burning indignation against Congress possessed the men and women alike, and there was good reason for this righteous indignation, for not only did the bill contemplate its own execution, in the most summary manner, by the arbitrary will of the courts, but troops were expected to be necessary to intimidate the people.

The Mormon leaders alone were cool and self-possessed. Brigham Young was not moved from his wonted serenity by the prospect of the inevitable conflict between himself and the man who had conquered the South, and who had already boasted that he would do as much for Mormondom.

The Cullom bill had passed the House, but it had not yet passed the Senate. There was the bare chance that, if the people arose *en masse*, and manifested to the country that earnest apostolic spirit so becoming of them, the Cullom Bill might die in the Senate. The Gentiles of Utah, however, looked upon this as the Mormon "forlorn hope," and decided, beyound all question, that Senator Cragin would prosecute the action through the Senate to a successful issue, as surely as had General Cullom done in the House.

But the Mormon people still trusted in the Lord. At midday of the 31st of March, according to previous notice, the people began to flock *en masse* towards Temple Block, to protest against the recent action of the House, of Congress, and to petition the Senate not to pass the Cullom Bill. At one o'clock every seat and window of the tabernacle was packed with spectators, the doorways were crowded, and around the building was a vast multitude that could not find entrance. Mayor D. H. Wells was chosen to preside over the meeting. Apostles Orson Pratt, John Taylor, George Q. Cannon and others addressed the people, after which the following memorial to Congress was unanimously adopted:

"*To the Honorable the Senate and House of Representatives of the United States, in Congress Assembled:*

"GENTLEMEN:—It is with no ordinary concern that we have learned of the passage by the House of Representatives of the House Bill No. 1,089, entitled "A bill in aid of the execution of the laws in Utah, and for other purposes," commonly known as "The Cullom Bill," against which we desire to enter our

most earnest and unqualified protest, and appeal against its passage by the Senate of the United States, or beg its reconsideration by the House of Representatives. We are sure you will bear with us while we present for your consideration some of the reasons why this bill should not become law.

"Gentlemen of the Senate and House of Representatives, of the 150,000 estimated population of the Territory of Utah, it is well known that all except from 5,000 to 10,000 are members of the Church of Jesus Christ of Latter-day Saints, usually called Mormons. These are essentially the people of this Territory, they have settled it, reclaimed the desert waste, cultivated it, subdued the Indians, opened means of communication, made roads, built cities, and brought into being a new State to add lustre to the national galaxy of our glorious Union. And we, the people who have done this, are believers in the principle of plural marriage or polygamy, not simply as an elevating social relationship, and a preventive of many terrible evils which afflict our race, but as a principle revealed by God, underlying our every hope of eternal salvation and happiness in heaven. We believe in the pre-existence of the spirits of men; that God is the author of our being; that marriage is ordained as the legitimate source by which mankind obtain an existence in this probation on the earth; that the marriage relation exists and extends throughout eternity, and that without it no man can obtain an exaltation in the celestial kingdom of God. The revelation commanding the principle of plural marriage, given by God through Joseph Smith, to the Church of Jesus Christ of Latter-day Saints, in its first paragraph has the following language: 'Behold, I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for none can reject this covenant and be permitted to enter into my glory.' With this language before us, we cannot view plural marriage in any other light than as a vital principle of our religion. Let the revelation appear in the eyes of others as it may, to us it is a divine command, of equal force with any ever given by the Creator of the world to his children in the flesh.

"The Bible confessedly stands in our nation as the foundation on which all law is based. It is the fountain from which our ideas of right and wrong are drawn, and it gives shape and force to our morality; yet it sustains plural marriage, and in no instance does it condemn that institution. Not only having, therefore, a revelation from God making the belief and practice of this principle obligatory upon us, we have the warrant of the Holy Scriptures and the example of prophets and righteous men whom God loved, honored and blessed. And it should be borne in mind that when this principle was promulgated, and the people of this Territory entered upon its practice, it was not a crime. God revealed it to us. His divine word, as contained in the Bible which we have been taught to venerate and regard as holy, upheld it, and there was no law applicable to us making our belief or practice of it criminal. It is no crime in this Territory to-day, only as the law of 1862, passed long years after our adoption of this principle as part of our religious faith, makes it such. The law of 1862 is now a fact; one proscription gives strength to another. What yesterday was opinion is liable to-day to be law. It is for this reason that we earnestly and respectfully remonstrate and protest against the passage of the bill now before the Honorable Sen-

ate, feeling assured that, while it cannot accomplish any possible good it may result in a great amount of misery.

"It gives us no alternative but the cruel one of rejecting God's command and abjuring our religion, or disobeying the authority of a Government we desire to honor and respect.

"It is in direct violation of the first amendment of the Constitution, which declares that 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'

"It robs our priesthood of their functions and heaven-bestowed powers, and gives them to justices of the supreme court, justices of the peace, and priests whose authority we cannot recognize, by empowering such as the only ones to celebrate marriage. As well might the law prescribe who shall baptize for the remission of sins, or lay on hands for the reception of the Holy Ghost.

"It encourages fornication and adultery, for all such marriages would be deemed invalid and without any sacred or binding force by our community, and those thus united together would, according to their own belief and religious convictions, be living in a condition of habitual adultery, which would bring the holy relation of marriage into disrepute, and destroy the safeguards of chastity and virtue.

"It is unconstitutional in that it is in direct opposition to Section 9, Article I, of the Constitution, which provides that 'no bill of attainder, or *ex post facto* law shall be passed.'

"It destroys the right of trial by jury, providing for the impaneling of juries composed of individuals the recognized enemies of the accused, and of foreigners to the district where a case under it is to be tried; while the Sixth Amendment to the Constitution provides that 'in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed.'

"It is contrary to the Eighth Amendment to the Constitution, which provides that excessive fines shall not be imposed, 'nor cruel and unusual punishments inflicted.'

"It violates Section 8, Article I, of the Constitution, which provides that Congress shall establish a uniform rule of naturalization throughout the United States, in that it provides, in Section 17, a new, unheard of, and special rule, applicable only to the Territory of Utah.

"It is anti-republican, in that in Section 10 it places men on unequal ground, by giving one portion of the citizens superior privileges over others, because of their belief.

"It strips us, in Sections 17 and 26, of the land we have reclaimed from barrenness, and which we have paid Government for; also of all possessory rights to which we are entitled as settlers.

"It authorizes, by Section 14, the sending of criminals into distant military camps and prisons.

"It is most unjust, unconstitutional, and proscriptive, in that it disfranchises and proscribes American citizens for no act, but simply believing in plurality of wives, which the bill styles polygamy, bigamy, or concubinage, even if they never have practiced or designed to practice it.

"It offers a premium for prostitution and corruption, in that it requires, in Sections 11 and 12, husbands and wives to violate the holiest vows they can make, and voluntarily bastardize their own children.

"It declares, in Section 21, marriage to be a civil contract, and names the officers who alone shall solemnize the rite, when our faith expressly holds it as a most sacred ordinance, which can only be administered by those holding the authority from heaven; thus compelling us to discriminate in favor of officers appointed by the Government and against officers authorized by the Almighty.

"It thus takes away the right of conscience, and deprives us of an ordinance upon the correct administration of which our happiness and eternal salvation depend.

"It not only subverts religious liberty, but, in Sections 16 and 19, violates every principle of civil liberty and true republicanism, in that it bestows upon the Governor the sole authority to govern jails and prisons, and to remove their wardens and keepers; to appoint and remove probate judges, justices of the peace, judges of all elections, notaries public and all sheriffs; clothing one man with despotic and, in this Republic, unheard-of power.

"It thus deprives the people of all voice in the government of the Territory, reduces them to absolute vassalage, creates a dangerous, irresponsible and centralized despotism, from which there is no appeal, and leaves their lives, liberties and human rights subject to the caprice of one man, and that man selected and sent here from afar.

"It proposes, in Sections 11, 12 and 17, to punish American citizens, not for wrongs, but for acts sanctioned by God, and practiced by his most favored servants, requiring them to call those bad men whom God chose for his oracles and delighted to honor, and even to cast reflections on the ancestry of the Savior himself.

"It strikes at the foundation of all republican government, in that it dictates opinions and belief, prescribes what shall and shall not be believed by citizens, and assumes to decide on the validity of revelation from Almighty God, the author of existence.

"It disorganizes and reduces to a chaotic condition every precinct, city and county in the Territory of Utah, and substitutes no adequate organization. It subverts, by summary process, nearly every law on our statute book.

"It violates the faith of the United States, in that it breaks the original compact made with the people of this Territory in the Organic Act, who were, at the time that compact was made, received as citizens from Mexican Territory, and known to be believers in the doctrines of the Church of Jesus Christ of Latter-day Saints.

"We also wish your honorable bodies to understand that the legislature of this Territory has never passed any law affecting the primary disposal of the soil, but only adopted regulations for the controlling of our claims and possessions, upon which improvements to the amount of millions of dollars have been made.

"This bill, in Section 36, repeals the law of the Territory containing said regulations, thereby leaving us destitute of legal protection to our hard-earned possessions, the accumulated labor of over twenty years, and exposing us to the mercy of land speculators and vampires.

"Gentlemen of the Senate and House of Representatives, this bill would deprive us of religious liberty and every political right worth having, is not directed against the people of Utah as men and women, but against their holy religion. Eighteen years ago, and ten years before the passage of this Anti-Polygamy Act of 1862, one of our leading men, Elder Orson Pratt, was expressly deputed and sent to the city of Washington, D. C., to publish and lecture on the principle of patriarchal or plural marriage as practiced by us.

"He lectured frequently in that and other cities, and published a paper for some length of time, in which he established, by elaborate and convincing arguments, the divinity of the revelation commanding plural marriage, given through the Prophet Joseph Smith, and that the doctrine was sanctioned and endorsed by the highest Bibical authority. For ten years before the passage of the Act of 1862, this doctrine was widely preached throughout the Union and the world, and it was universally known and recognized as a principle of our holy faith. We are thus explicit in mentioning this fact to show that patriarchal marriage has long been understood to be a cardinal principle of our religion. We would respectfully mention, also in this connection, that while hundreds of our leading elders have been in the Eastern States and in the city of Washington, not one of them has been cited to appear as a witness before the Committee on Territories, to prove that this doctrine is a part of our religion; gentlemen well knowing that if that were established, the law would be null and void, because of its unconstitutionality.

"What we have done to enhance the greatness and glory of our country by pioneering, opening up, and making inhabitable the vast western region, is before the nation, and should receive a nation's thanks, not a proscriptive edict to rob us of every right worth possessing, and of the very soil we have reclaimed and then purchased from the Government. Before this soil was United States territory we settled it, and five hundred of our best men responded to the call of the Government in the war with Mexico, and assisted in adding to our national domain. When we were received into the Union our religion was known; our early officers, including our first governor, were all Latter-day Saints, or Mormons, for there were few others to elect from; we were treated as citizens possessing equal rights, and the original bond of agreement between the United States Government and the people inhabiting this Territory, conferred upon us the right of self-government in the same degree as is enjoyed by any other Territory in the Union.

"It is declared that the power of the legislature of this Territory, 'shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of the Organic Act; and the right of suffrage, and holding office shall be exercised by citizens of the United States,' including those recognized as citizens by the treaty with the Republic of Mexico, concluded Feb. 2d, 1848. This compact or agreement we have preserved inviolate on our part, and we respectfully submit that it is not in the power of any legislature or congress, legally and constitutionally, to abrogate and annul such an agreement as the organic law, which this bill proposes to do, without the consent of both parties. Our property, lands, and buildings, private and public, are to be confiscated; our rights of citizenship destroyed; our men and women subjected to excessive pains

and penalties, because we believe in and practice a principle taught by the Bible, commanded by divine revelation to us, and sustained by the Christian monarchies of Great Britain and France among millions of their subjects in their territories of India and Algeria.

"We earnestly, we solemnly appeal to you not to permit this iniquitous, unjustly discriminating, and anti-republican measure to become law, and that, too, in violation of the Constitution, by which one hundred and fifty thousand industrious, peaceable, and orderly persons will be driven to the desperate necessity of disobeying Almighty God, the governor of the universe, or of subjecting themselves to the pains and penalties of this act, which would be worse than death.

"We beseech of you, gentlemen, do not, by the passage of harsh and despotic measures, drive an inoffensive, God-fearing, and loyal people to desperation.

"We have suffered, God knows how much, in years past, for our religion. We fled to the mountain wilds to escape the ruthless hand of persecution; and shall it be said now that our Government, which ought to foster and protect us, designs to repeat, in the most aggravated form, the miseries we have been called upon to pass through before.

"What evidence can we give you that plural marriage is a part of our religion, other than what we have done by our public teaching and publishing for years past? If your honorable bodies are not satisfied with what we now present, and what we have previously published to the world, we beseech you, in the name of our common country and those sacred principles bequeathed unto us by our revolutionary fathers, in the name of humanity, and in the name of Almighty God, before making this act a law, to send to this Territory a commission clothed with the necessary authority to take evidence and make a thorough and exhaustive investigation into the subject, and obtain evidence concerning the belief and workings of our religious system, from its friends, instead of its enemies."

This memorial, which was duly signed and attested, along with a set of resolutions more distinctly emphasizing the sentiment of the people upon some of its cardinal points, was promptly forwarded to Washington.

Just previous to this, as already recorded, a series of mass-meetings had been held throughout the Territory, by the Mormon women, at which was affirmed, with great earnestness, their belief in, and determination to maintain, the institutions of the Church.

The puritan aspect of those meetings would have been a rare treat to any historical spectator. They would have reminded him of the times when the God-fearing men of England defended their religious and political rights under such leaders as Cromwell, Hampden, Sir John Elliot and Sir Harry Vane, and were inspired by the republican pen of the divine Milton; nor would he have forgotten that one of Milton's most powerful writings is his defence of polygamous marriages, based upon the Hebrew covenants and examples.

This united action of the brotherhood and sisterhood created a sentiment which finally culminated in the overthrow of the Cullom Bill.

## CHAPTER LI.

CONSERVATIVE GENTILES OF SALT LAKE CITY AND THE SECEDING MORMON ELDERS HOLD MEETINGS TO PETITION FOR A MODIFICATION OF THE CULLOM BILL. THEY MAINTAIN THE INTEGRITY OF MORMON FAMILIES. FEDERAL OFFICERS AND RADICAL GENTILES OPPOSE THE PETITION, AND FAVOR THE BILL WITH MILITARY FORCE, TO EXECUTE IT. MR. GODBE GOES TO WASHINGTON TO INVOKE FORBEARANCE. INTERVIEWS WITH GRANT AND CULLOM.

Simultaneous with the great mass meeting of the Mormons in the Tabernacle, to remonstrate with Congress against the bill, the Godbeite leaders, combined with conservative Gentiles, called a meeting of representative non-Mormon citizens for a similar purpose.

The meeting called at the suggestion of Messrs. Walker Brothers and Col. Kahn of this city, was held in the Masonic Hall, East Temple Street, to take into consideration the propriety of memoralizing Congress for such a modification of the Cullom Bill, as would make its provisions inapplicable to all polygamous marriages and associations entered into previous to the passage of said bill. The meeting was attended by a number of gentlemen of varied religious and political opinions, among whom were Gen. Maxwell, Col. Overton, Marshall Orr, Col. Kahn, T. Marshall, J. M. Carter, R. H. Robertson and J. R. Walker Esqs., with many others.

Mr. Robertson was called to the chair, and opened the meeting by requesting a general declaration of opinion on the subject to be brought before the meeting, which he desired Mr. Eli. B. Kelsey to present.

Mr. Kelsey briefly stated the purpose of the meeting, and reviewed the course which Congress had adopted since the passage of the act of 1862, and the belief among the people that no steps would be taken with reference to the enforcement of the anti-polygamy law. He, therefore, considered Congress responsible, to an extent, for the present feelings of the people on that subject. He bore testimony to his desire to uphold the laws and the influence of the government among the people, but he could not ask people to break up their families and bastardize their children.

Mr. E. L. T. Harrison said that he came to that meeting upon invitation. The object of it he understood to be to see if we could unite upon a memorial to be addressed to the Senate, requesting such modification of the Cullom Bill as would except all marriages entered into before the passage of the bill. So far as the abstract principle of polygamy went, he did not believe in the interference of the Government on such a subject, as he believed that the people of Utah, and all other Territories, were perfectly capable of adjusting all such relations themselves.

Still, inasmuch as the Government is not of his opinion, and he desired to sustain law and order, he would join in any resolution to Congress expressive of a desire for a modification. He would do this not only out of justice to the people, but because he believed that it would be in the interest of the Government. He considered such a modification would greatly tend to promote a loyal and grateful feeling among the people, and do much to bring about that harmony between the Government and the people of Utah which was so desirable.

Mr. Gordon did not believe in memorializing Congress. If God originated polygamy He could take care of it. If not, he was not anxious to have it stand. He was ready to take his own share of the risk.

Mr. Stenhouse sustained Mr. Kelsey's position. If there had been a wrong in the past conduct of the Mormons, with respect to the violation of the act of 1862, he considered Government equally as culpable as the people by their neglect on the subject. He heard Mr. Lincoln say himself that if the Mormons let him alone he would let them alone. He, Mr. S., would join in soliciting for a modification of the act. There were many points to which the attention of Government ought to be called. One was that the circumstances of the people would not permit a separate provision for their families, were they ever so disposed to obey that part of the act; and that the carrying out of its provisions so far as existing polygamous families were concerned, would involve the people in an amount of loss and suffering of which the Government has no conception.

Mr. Shearman said it was not the object of the meeting to attempt to "dictate" to Congress, as one of the speakers had intimated, but simply to appeal in a respectful and kindly manner to the justice and humanity of its members. He (Mr. S.) would feel just as opposed to the bill were it aimed at any other people than the Mormons, because he considered it unjust, unconstitutional and impolitic, and, as an American citizen, he felt he had a perfect right to discuss or dissent from any measures of the Government. He regretted that the people of Utah had, by their past unwise course, aroused the antagonism of the Nation, but the provisions of this bill were unworthy of so great and magnanimous a government as ours. A gentleman had referred to the forcible abolition of slavery as a precedent; but it should be remembered that Congress never interfered with that until it became absolutely necessary to do so to preserve the life of the Nation from those who were in arms seeking its destruction, and that if the South had submitted sooner, slavery would not have been abolished in the way it was. But the Mormons were not in arms, and had no disposition to rebel; he, therefore, felt they were entitled to the kindly consideration of the Government as children to that of a father. One of his most serious objections to this bill was, that while compiled professedly in behalf of woman, it in reality made her the sufferer and the scape-goat, as it gave every unprincipled man the right to kick his wives and children out of doors without provision or redress. In conclusion he said all he desired to ask Congress was to so modify the bill as not to interfere with existing social contracts, and thus save the innocent and defenceless from untold misery.

Mr. E. W. Tullidge said, what we ought to do was most clear—namely, to obey the laws of our country. It was not becoming in us to cavil with this Nation; and to talk of resistance to her will was not only extravagant, touching our

own strength, but decidedly wrong in principle. It is a fundamental requirement that individuals and communities must obey the laws of the State. The right of conscience in religious matters cannot be allowed when it sets aside the laws of the land and the expressed will of a nation; and we, as a people, have only the same rights in this as other religious communities. Nevertheless, Congress, in adjusting this most delicate and complicated matter, should manifest the magnanimity becoming her humane character, and the same admirable administration of justice as in the past. The South had been pardoned after a rebellion; and, through the generosities of the Nation, even Jeff. Davis was forgiven and at large. Should the Nation, then, be less magnanimous to this God-fearing people,—who, if they have erred, have done so through the force of a religious faith and conscience such as have often led earnest men to the stake? He would emphatically appeal to this Nation on behalf of the women, whom Congress believe to have been martyred by polygamy, and would pray that a new martyrdom might not be inflicted upon them by its special legislation, making them dishonored wives and dishonored mothers. He, therefore, proposed that we petition the Senate for a reconsideration and generous modification of the Cullom Bill.

Gen. Maxwell stated his unwillingness to make any such request of Congress, but said he would join in any effort to have the land and disfranchising clauses so modified as not to injure any who were disposed to be loyal to the government.

Mr. Marshall, of the firm of Marshall & Carter, said he was glad of the opportunity of expressing himself in relation to the Cullom Bill. He wished it distinctly understood that he was opposed to polygamy and would favor any measure which confined itself to stopping the spread of the practice. For this reason he decidedly approved the main measures of the bill, provided existing relationships were not interfered with. He testified to his personal knowledge of the virtue, integrity, and loyalty of many gentlemen who were already practicing polygamy in Utah, and although he believed it to be a very great evil he felt it would be a still greater evil to break up family associations already formed. To do the latter he realized would be productive of great suffering and wrong, and, therefore, he should put his name to the proposed petition even if it stood there alone.

Messrs. Henry Lawrence and William Jennings expressed their readiness to co-operate with gentlemen in any measures that would be mutually satisfactory and beneficial to the people of Utah and the Government of the Nation, but they had no desire to ask any one to move in this matter except upon the broad ground of humanity and justice.

Several other short speeches were made, and a committee of seven was appointed to draft and forward to Congress by mail or telegraph a memorial for such modifications as the prominent non-Mormons would endorse. The following gentlemen were unanimously elected members of said committee: Messrs. J. R. Walker, J. M. Carter, Samuel Kahn, R. H. Robertson, Warren Hussey, T. Marshall and O. J. Hollister. O. J. Hollister, Esq., subsequently declined to act, and Bishop Tuttle, being informed that some one had suggested his name as one of the committee, in a most kindly and Christian spirit, cheerfully consented to fill Mr. Hollister's place.

The meeting then adjourned after a vote of thanks to the chairman.

Nothing, however, came of this effort of conservative non-Mormon citizens to have Congress reconsider and modify the Cullom Bill. The reason was, that while these gentlemen desired simple harmony between the Nation and Utah, the anti-Mormons, including the Federal officers, were anxious for the passage of the bill by the Senate in its most rigid form. The former class represented property, law and order, and Christian benevolence—the latter class represented a desire for the entire overturning of the then existing state of things, and the transfer of all power into anti-Mormon hands, under the direction of Congress and the Government. The chairman of the meeting in question—R. H. Robertson—who "had referred to the forcible abolition of slavery as a precedent," and General Maxwell, who "stated his unwillingness to make any such request of Congress" as the reconsideration and and modification of the Cullom Bill, were the men who gave the real utterance of the Liberal party, and of the will and intentions of the administration at that critical moment. The "abolition of slavery" by military force was the precedent which the administration actually designed to apply to Utah during that year, and the new batch of Federal officials had been appointed by President Grant for the carrying out of this design.

The passage of the Cullom Bill in the House signified the immediate despatch to Utah of a large reinforcement of troops to execute the bill. The almost universal expectation throughout the country was that we were on the eve of another "Mormon war,"—that the Cullom Bill could not possibly be executed only by military force, and that the Mormons would resist the execution of the bill, against which they had so resolutely protested. Throughout the nation the affair was a great sensation, and at home in Utah was very serious in its war aspect. The Gentiles were most positive in their assurance that the Government would send on troops to "wipe out the Mormon theocracy." Indeed, it was reported that troops were already on the way for that purpose.

There can be no doubt that the mass meetings of the Mormon women, protesting against the Cullom Bill and affirming the sacredness of their marriage had greatly impressed the sympathetic heart and magnanimous mind of the American people. It was frankly confessed in the leading journals, both East and West, that some of the speeches of such women as "Sister Woodruff," were, for their bold tone, worthy their "revolutionary mothers" whose conduct they offered as their pattern. She said:

"I am proud that I am a citizen of Utah, and a member of the Church of Jesus Christ of Latter-day Saints. I have been a member of this church for thirty-six years, and had the privilege of living in the days of the Prophet Joseph, and heard his teaching for many years. He ever counseled us to honor, obey and maintain the principles of our noble Constitution, for which our fathers fought, and which many of them sacrificed their lives to establish. President Brigham Young has always taught the same principle. This glorious legacy of our fathers, the Constitution of the United States, guarantees unto all the citizens of this great Republic the right to worship God according to the dictates of their own consciences, as it expressly says, 'Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof.' Cullom's bill is in direct violation of this declaration of the Constitution, and I think it is our duty

to do all in our power, by our voices and influence, to thwart the passage of this bill, which commits a violent outrage upon our rights, and the rights of our fathers, husbands and sons; and whatever may be the final result of the action of Congress in passing or enforcing oppressive laws, for the sake of our religion, upon the noble men who have subdued these deserts, it is our duty to stand by them and support them by our faith, prayers and works, through every dark hour, unto the end, and trust in the God of Abraham, Isaac and Jacob to defend us and all who are called to suffer for keeping the commandments of God. Shall we, as wives and mothers, sit still and see our husbands and sons, whom we know are obeying the highest behest of heaven, suffer for their religion, without exerting ourselves to the extent of our power for their deliverance? No; verily no! God has revealed unto us the law of the patriarchal order of marriage, and commanded us to obey it. We are sealed to our husbands for time and eternity, that we may dwell with them and our children in the world to come; which guarantees unto us the greatest blessing for which we are created. If the rulers of the nation will so far depart from the spirit and letter of our glorious Constitution as to deprive our prophets, apostles and elders of citizenship, and imprison them for obeying this law, let them grant this, our last request, to make their prisons large enough to hold their wives, for where they go we will go also."

The American public admired, but answered the sisters that "their cause was not as good as their mother's cause had been in Washington's day." The Mormon people, however, believed in the integrity of their cause, and therein was the danger to the parties most concerned. Connected with these mass meetings of women, as we have seen, was that great meeting held by the Mormon people in the Tabernacle, at which ten thousand people voted by acclamation an extraordinary "Remonstrance" against the Cullom Bill, besides adopting a very elaborate apostolic statement to Congress, of the polygamic revelation and duties of the Mormon Church; in it was also incorporated the bold declaration that "this Church" would stand by her faith and polygamic institutions. This age has never witnessed another such example of religious defiance of all earthly governments, not even was that of the "Utah war" its equal, for this was made, not in isolation now, but in the very face of the American Nation, with the railroad completed over which, in a few days, troops could have been hurried by the conqueror of the South.

This condition of things—this manifestation of the "irrepressible conflict" from both sides—appalled the best men of the Godbeite movement. In most respects touching the situation they were fully in accord with the entire Mormon people. Mr. William Shearman fully expressed their mind when he said, "He would feel just as opposed to the bill were it aimed at any other people than the Mormons, *because he considered it unjust, unconstitutional and impolitic, and as an American citizen, he felt he had a perfect right to discuss or dissent from any measures of the Government.*

During the agitation, and before the passage of the Cullom Bill in the House, it was resolved, by the Godbeite leaders, that William S. Godbe should at once proceed to Washington to lay before President Grant the full state of affairs and "to counsel" with him; for they had reasons to believe that the President desired

this. There was also an elaborate "budget" written on Utah affairs and policy and despatched to the President through Government officers to prepare him for the interview. That "budget" bore date "March 8th, 1870."

Mr. Godbe started for Washington immediately afterwards. He was introduced to President Grant by Vice-President Colfax. "Mr. Godbe," observed the President, "I am as solicitous as you can possibly be to preserve the Mormon people; and then he added, with marked significance, that he would himself "save the Mormon people from their dangerous leaders." If more troops were sent to Utah they would be merely designed as a "moral force," he said, to give those leaders "to understand that the Nation intended to enforce her laws in Utah."

Mr. Godbe also had an interview with General Cullom. Together, these gentlemen went through the "Cullom Bill," section by section, Mr. Godbe suggesting revisions and toning it to better suit the peculiar conditions of the Mormon people. At length, half provoked, the Hon. Member from Illinois exclaimed, "My G—d, Mr. Godbe, you would strike out all the points of my bill!" But the Utah advocate plead the cause of the Mormon people with so much earnestness and feeling that all the animus of prosecution was killed. He showed how a devoted Christian people had been moulded by their apostles and their religious faith; how polygamy had grown up in the Church years after the conversion of a hundred thousand disciples to the original Mormon faith; how they had, as a rule, gone into polygamy sincerely believing it to be the will of God; and how so many dear good women had been already crucified for their religion and their wifely and motherly loves; and he urged that it would indeed be cruel, now, for civilization itself to crucify them afresh instead of redeeming them. He also plead that sufficient time should be given the Mormon people for a *new education*,—enforced in the argument the new conditions: that isolation was passing away forever,—that civilization was fast coming up to them.

At that moment, Mr. Cullom was touched with conviction. He perceived that there were events and changes occurring in Mormon society that would, in a reasonable time, accomplish even more than he could hope to be effected by his bill. "Well, Mr. Godbe," said he, in closing his interview, "I shall have to vote for my bill;" but his words bore the interpretation that he would be satisfied with its simple passage in the House. It did pass the House but it was never brought up for action in the Senate, though Senator Cragin had undertaken its passage there.

## CHAPTER LII.

DR. NEWMAN'S EVANGELICAL CRUSADE AGAINST MORMON POLYGAMY. HE ARRIVES IN SALT LAKE CITY. CORRESPONDENCE BETWEEN THE CHAPLAIN OF THE SENATE AND THE PRESIDENT OF THE MORMON CHURCH. NEWMAN ACCEPTS THE CHALLENGE. BRIGHAM DENIES THE CHALLENGE, BUT INVITES THE DOCTOR TO PREACH IN THE GREAT TABERNACLE. NEWMAN'S INDIGNATION: HE CHALLENGES BRIGHAM, WHO ACCEPTS, AND NAMES ORSON PRATT AS HIS SUBSTITUTE. THE GREAT DISCUSSION BEFORE TEN THOUSAND PEOPLE.

In the meantime, since the passage of the Cullom Bill, Dr. Newman had been creating a sensation throughout the country over the subject of polygamy. Vice-President Colfax, in his discussion with Apostle John Taylor, had confined himself principally to the State aspects of the question; but Dr. Newman took up the discussion on Bibical grounds. The speech of Delegate Hooper on the Cullom Bill had embodied, for the information of Congress, quite an elaborate Biblical review and defence of the "peculiar institution." This, it was said, provoked the evangelical ire of the chaplain of the Senate; and, in turn, he discoursed eloquently on the subject of Mormon polygamy, to the admiration of his aristocratic constituency of the Metropolitan Methodist Church.

The Saints in Zion were much amused at the scene in Washington, and decidedly pleased that their institutions should at length be theologically glorified in "high places." So, with journalistic tact, Mr. Edward Sloan, acting editor of the *Salt Lake Daily Telegraph*, suggested that the chaplain of the Senate should discuss the subject in the Mormon Tabernacle, it being out of place in Washington. Dr. Newman, affecting to regard this as a challenge from Brigham Young, "accepted the challenge," and publicly announced his purpose of visiting Utah to discuss with Brigham Young the subject of Mormon polygamy. On their side the Apostles humored the self-delusion of the reverend champion; and, though the "Challenge" was a transparent hoax, they were quite ready to give the Chaplain of the Senate a taste of their apostolic steel. In the event of the polygamic tournament, Orson Pratt was universally chosen by the Mormons as their champion; and soon the Paul of Mormondom and the Chaplain of the Senate of the United States, were engaged in a preliminary encounter through the columns of the New York *Herald*.

The coming discussion in Zion created a great noise. In some sense, it was a national event. There was just that novelty in it, too, that the public taste so dearly relishes. The American people were prepared for a treat, and the Chaplain of the Senate was duly "billed" and "illustrated" in *Harper's Weekly* for the occasion. Dr. Newman's expectation of a personal discussion with Brigham Young

was as absurd as it was presumptuous in the Mormon eye. As well might he have journeyed to Rome, in the expectation of discussing Catholicism with the Pope. However, to the last moment of his leaving Washington, the Doctor affected to believe that he was going up to the stronghold of Mormondom to discuss the subject of polygamy with Brigham Young, before ten thousand people.

Early in August, 1870, Dr. Newman made his advent in Salt Lake City, accompanied by the Rev. Dr. Sunderland, and immediately opened the following correspondence:

DOCTOR NEWMAN TO PRESIDENT YOUNG.

"SALT LAKE CITY, Aug. 6, 1870.

"*To President Brigham Young:*

"SIR—In acceptance of the challenge given in your journal, the *Salt Lake Daily Telegraph* of the 3d of May last, to discuss the question, 'Does the Bible sanction Polygamy?' I have hereby to inform you that I am now ready to hold a public debate with you as the head of the Mormon Church upon the above question, under such regulations as may be agreed upon for said discussion; and I suggest for our mutual convenience, that either by yourself or by two gentlemen whom you shall designate, you may meet two gentlemen whom I will select for the purpose of making all necessary arrangements for the debate, with as little delay as possible. May I hope for a reply at your earliest convenience, and at least not later than three o'clock to-day.

"Respectfully, etc.,

"J. P. NEWMAN."

PRESIDENT YOUNG TO DOCTOR NEWMAN.

"SALT LAKE CITY, U. T., Aug., 6, 1870.

"*Rev. Dr. J. P. Newman:*

"SIR—Yours of even date has just been received, in answer to which I have to inform you that no challenge was ever given by me to any person through the colums of the *Salt Lake Daily Telegraph*, and this is the first information I have received that any such challenge ever appeared.

"You have been misinformed with regard to the *Salt Lake Daily Telegraph;* it was not my journal, but was owned and edited by Dr. Fuller of Chicago, who was not a member of our church and I was not acquainted with its columns.

"Respectfully,

"BRIGHAM YOUNG."

DOCTOR NEWMAN TO PRESIDENT YOUNG.

"SALT LAKE CITY, Aug. 6, 1870.

"*To President Brigham Young:*

"SIR—I confess my disappointment at the contents of your note in reply to mine of this date. In the far East it is impossible to distinguish the local relations between yourself and those papers which advocate the interests of your church; and when the copy of the *Telegraph* containing the article of the 3d of May last reached Washington, the only construction put upon it by my friends was that it was a challenge to me to come to your city and discuss the Bible doctrine of polygamy.

"Had I chosen to put a different construction on that article, and to take no further notice of it, you could then have adopted the *Telegraph* as your organ and the said article as a challenge, which I either could not or dared not accept. That I am justified in this conclusion is clear from the following facts:

"1. The article in the *Telegraph*, of May 3d, contains these expressions, alluding to my sermon as reported in the N. Y. *Herald*, it says: 'The discourse was a lengthened argument to prove that the Bible does not sustain polygamy. * * * * The sermon should have been delivered in the New Tabernacle in this city, with ten thousand Mormons to listen to it and then Elder Orson Pratt, or some prominent Mormon, should have had a hearing on the other side and the people been allowed to decide. * * * * Dr. Newman, by his very sermon, recognizes the religious element of the question. * * Let us have a fair contest of peaceful argument and let the best side win. * * We will publish their notices in the *Telegraph*, report their discourses as far as possible, use every influence in our power, if any is needed, to secure them the biggest halls and crowded congregations, and we are satisfied that every opportunity will be given them to conduct a campaign. We base this last remark on a statement made last Sunday week in the Tabernacle, by President Geo. A. Smith, that the public halls throughout the Terrritory have been and would be open for clergymen of other denominations coming to Utah to preach. * * * Come on and convert them by the peaceful influences of the Bible instead of using the means now proposed. Convince them by reason and Scriptural argument and no Cullom Bill will be required.'

"2. I understand the article containing the above expressions was written by Elder Sloan, of the Mormon church, and at that time associate editor of the *Telegraph*; and that he was and has since been in constant intercourse with yourself. The expressions of the said article as above cited, were the foundation of the impression throughout the country, that a challenge had thus been given through the columns of the *Telegraph* and, as such, I myself had no alternative but so to regard and accept it. I may add that I am informed that an impression prevailed here in Utah, that a challenge had been given and accepted. Under this impression I have acted from that day to this, having myself both spoken of and seen allusions to the anticipated discussion in several prominent papers of the country.

"3. It was not till after my arrival in your city last evening, in pursuance of this impression, that I learned the fact that the same Elder Sloan, in the issue of the *Salt Lake Herald*, of Aug. 3d, attempts for the first time to disabuse the public of the idea so generally prevalent. Still acting in good faith and knowing that you had never denied or recalled the challenge of the 3d of May, I informed you of my presence in your city and of the object of my visit here.

"My note this morning with your reply will serve to put the matter before the public in its true light and dispel the impression of very many in all parts of the country, that such a challenge had been given and that such a discussion would be held.

"Feeling that I have now fully discharged my share of the responsibility in the case, it only remains for me to subscribe myself as before,

"Respectfully,

"J. P. NEWMAN."

PRESIDENT YOUNG TO DOCTOR NEWMAN.

"SALT LAKE CITY, Aug. 6th, 1870.

"*Rev. Dr. J. P. Newman:*

"SIR—It will be a pleasure to us if you will address our congregation to-morrow morning, the 7th inst., in the small Tabernacle, at ten a.m., or, should you prefer it, in the New Tabernacle at two p.m., same instant, or both morning and evening.

"Respectfully,

"BRIGHAM YOUNG.

"P. S. I hope to hear from you immediately."

DOCTOR NEWMAN TO PRESIDENT YOUNG.

"SALT LAKE CITY, Aug. 6th, 1870,
"8 o'clock, p.m.,

"*To President Brigham Young*

"SIR—In reply to your note just received to preach in the Tabernacle to-morrow, I have to say that after disclaiming and declining, as you have done to-day, the discussion which I came here to hold, other arrangements to speak in the city were accepted by me, which will preclude my compliance with your invitation.

"Respectfully,

"J. P. NEWMAN."

PRESIDENT YOUNG TO DOCTOR NEWMAN.

"SALT LAKE CITY, U. T., Aug. 6th, 1870.

"*Rev. Dr. Newman:*

"SIR—In accordance with our usual custom of tendering clergymen of every denomination passing through our city, the opportunity of preaching in our tabernacles of worship, I sent you, this afternoon, an invitation tendering you the use of the small Tabernacle in the morning, or the New Tabernacle in the afternoon, or both, at your pleasure, which you have seen proper to decline.

"You charge me with 'disclaiming and declining the discussion' which you came here to hold. I ask you, sir, what right you have to charge me with declining a challenge which I never gave you, or, to assume as a challenge from me, the writing of any unauthorized newspaper editor? Admitting that you could distort the article in question to be a challenge from me, (which I do not believe you conscientiously could) was it not the duty of a gentleman to ascertain whether I was responsible for the so-called challenge before your assumption of such a thing? and certainly, much more so before making your false charges.

"Your assertion, that if you had not chosen to construe the article in question as a challenge from me, I 'could then have adopted the *Telegraph* as your [my] organ and the said article as a challenge,' is an insinuation, in my judgment, very discreditable to yourself and ungentlemanly in the extreme, and forces the conclusion that the author of it would not scruple to make use of such a subterfuge himself.

"You say that Mr. Sloan is the author of the article; if so, he is perfectly

capable of defending it, and I have no doubt you will find him equally willing to do so; or Professor Orson Pratt, whose name, it appears, is the only one suggested in the article. I am confident he would be willing to meet you, as would hundreds of our elders, whose fitness and respectability I would consider beyond question.

"In conclusion, I will ask, what must be the opinion of every candid, reflecting mind, who views the facts as they appear? Will they not conclude that this distortion of the truth in accusing me of disclaiming and declining a challenge, which I never even contemplated, is unfair and ungentlemanly in the extreme and must have been invented with some sinister motive? Will they not consider it a paltry and insignificant attempt, on your part to gain notoriety, regardless of the truth? This you may succeed in obtaining; but I am free to confess, as my opinion, that you will find such notoriety more unenviable than profitable, and as disgraceful too, as it is unworthy of your profession.

"If you think you are capable of proving the doctrine of 'Plurality of Wives' unscriptural, tarry here as a missionary; we will furnish you the suitable place, the congregation, and plenty of our elders, any of whom will discuss with you on that or any other scriptural doctrine.

"Respectfully,

"BRIGHAM YOUNG."

DOCTOR NEWMAN TO PRESIDENT YOUNG.

"SALT LAKE CITY, Aug. 8th, 1870.

"*To President Brigham Young:*

"SIR—Your last note, delivered to me on Sunday morning, and to which, of course, I would not on that day reply does not surprise me.

"It will be, however, impossible for you to conceal from the public the truth, that with the full knowledge of my being present in your city for the purpose of debating with you or your representative the question of Polygamy, you declined to enter into any arrangements for such a discussion; and after this fact was ascertained, I felt at liberty to comply with a subsequent request from other parties, which had been fully arranged before the reception of your note of invitation to preach in your Tabernacle.

"I must frankly say that I regard your professed courtesy, extended under the circumstances as it was, a mere device to cover, if possible, your unwillingness to have a fair discussion of the matter in question in the hearing of your people.

"Your comments upon 'disclaiming and declining the discussion' are simply a reiteration of the *disclaimer;* while, in regard to your notice of my construction of the article in the *Telegraph* of May last, I have only to leave the representations you have seen fit to make to the judgment of a candid public, sure to discover who it is that has resorted to 'subterfuge' in this affair. Your intimation that Elder Sloan, Prof. Pratt or hundreds of other Mormon elders, would be willing to discuss the question of polygamy with me from a Bible standpoint, and your impertinent suggestion that I tarry here as a missionary for that purpose, I am compelled to regard as cheap and safe attempts to avoid the appearance of

shrinking from such discussion by seeming to invite it after it had, by your own action, been rendered impossible. As to to the elders you speak of including yourself, being ready to meet me in public debate, I have to say that I came here with that understanding and expectation, but it was rudely dispelled, on being definitely tested. Were it possible to reduce these vague suggestions of yours to something like a distinct proposition for a debate, there is still nothing in your action, so far, to assure me of your sincerity, but, on the contrary, everything to cause me to distrust it.

"I have one more point of remark. You have insinuated that my motive is a thirst for 'notoriety.' I can assure you that if I had been animated by such a motive you give me small credit for good sense by supposing that I would employ such means. Neither you, nor the system of which you are the head, could afford me any 'notoriety' to be desired.

"But, to show how far I have been governed by merely personal aspirations, let the simple history of the case be re-called.

"You send your Delegate to Congress who, in the House of Representatives and in sight and hearing of the whole Nation, throws down the gauntlet upon the subject of polygamy as treated in the Bible. Being Chaplain of the American Senate, and having been consulted by several public men, I deemed it my duty to preach upon the subject. The discourse was published in the *New York Herald*, and on thus reaching your city one of your elders published an article which is construed as a challenge to me to debate the question with you, or some one whom you should appoint, here in your Tabernacle. Acting upon this presumption, I visit your city, taking the earliest opportunity to inform you, as the head of the Mormon Church, of my purpose and suggesting the steps usual in such cases. You then reply, ignoring the whole subject, but without a hint of your 'pleasure' about my preaching in the Tabernacle.

"Subsequently other arrangements were made which precluded my accepting any invitation to speak in your places of worship. The day passed away, and after sunset I received your note of invitation, my reply to which will answer for itself. And this you intimate is an attempt on my part to obtain 'unenviable notoriety.'

"Sir, I have done with you—make what representations of the matter you may think proper, you will not succeed in misleading the discriminating people either of this Territory or of the country generally by any amount of verbiage you may choose to employ.

"Respectfully, etc.,

"J. P. NEWMAN."

DOCTOR NEWMAN'S CHALLENGE TO PRESIDENT YOUNG.

SALT LAKE CITY, Aug. 9, 1870.

"*To Mr. Brigham Young:*

"SIR—In view of the enclosed communication, received from several citizens of this place, asking whether I am ready *now* and *here* to debate the question 'Does the Bible saction Polygamy?' with you, as the chief of the Church of Latter-day Saints, and in view of the defiant tone of your Church journals of

last evening and this morning; and in view of the fact that I have been here now four days waiting to have you inform me of your willingness to meet me in public discussion on the above question, but having received no such intimation up to this time of writing, therefore, I do here and now challenge you to meet me in personal and public debate, on the aforesaid question. I respectfully suggest that you appoint two gentlemen to meet Rev. Dr. Sunderland and Dr. J. P. Taggart, who represent me, to make all necessary arrangements for the discussion.

"Be kind enough to favor me with an immediate reply.

"Respectfully,

"J. P. NEWMAN.

"Residence of Rev. Mr. Pierce."

CITIZENS TO DOCTOR NEWMAN.

"SALT LAKE CITY, Aug. 9, 1870.

"*Rev. J. P. Newman:*

"DEAR SIR—Pardon the liberty which we the undersigned citizens of this place hereby take in addressing you in reference to the object of your present visit. Having seen in the *News* of last evening and in the *Herald* of this morning, an attempt to make the impression upon the public that you are, after all, unwilling to debate the question 'Does the Bible sanction Polygamy?' with Brigham Young, as the chief of the Church of Latter-day Saints, and to debate it *now* and *here*, we desire to know from you directly whether such is the fact and we would respectfully request a reply, that we may be able to set the matter in its true light by publishing the whole correspondence, as we will seek to do, in an *extra* of the *Tribune* to be issued at the earliest possible moment.

"Very respectfully,

"JNO. P. TAGGART,
"J. H. WICKIZER,
"GEO. R. MAXWELL,
"G. B. OVERTON,
"J. F. WOODMAN."

DOCTOR NEWMAN TO CITIZENS.

"SALT LAKE CITY, Aug. 9, 1870.

"*To Messrs. J. P. Taggart and others:*

"GENTLEMEN—In reply to yours of this date, requesting to know if I am willing to hold a debate *here* and *now*, on the question 'Does the Bible Sanction Polygamy?' with Mr. Brigham Young, as the chief of the Mormon Church, I have to state that this was the express purpose for which I came here, as appears from my first note to him. The correspondence between him and myself has, however, developed, on his part, such a line of conduct that I had fully determined to have nothing more to do with him. But as I came here in full faith to debate the question with him, regarding myself as the challenged party, and as he endeavors to escape by a denial that he has ever challenged me, I will put the matter now beyond dispute by sending him a challenge.

"It shall be done immediately, and a copy of the same shall be furnished for the *extra* of which you speak.

"Very Respectfully, etc.,

"J. P. NEWMAN."

PRESIDENT YOUNG ACCEPTS THE CHALLENGE.

"SALT LAKE CITY, 9 August, 1870.

"*Rev. J. P. Newman:*

"SIR—Your communication of to-day's date, with accompanying enclosure, was handed to me a few minutes since by Mr. Black.

"In reply, I will say that I accept the challenge to debate the question, 'Does the Bible sanction Polygamy?' Professor Orson Pratt or Hon. John Taylor acting for me as my representative, and in my stead in the discussion. I will furnish the place of holding the meetings, and appoint two men to meet Messrs. Sunderland and Taggart, to whom you refer as your representatives, to make the necessary arrangements.

"I wish the discussion to be conducted in a mild, peaceable, quiet spirit, that the people may receive light and intelligence and all be benefitted; and then let the congregation decide for themselves.

"Respectfully,

"BRIGHAM YOUNG."

PRESIDENT YOUNG TO DOCTOR NEWMAN.

"CITY, Aug. 9, 1870.

"*Rev. J. P. Newman:*

"SIR—I have appointed Messrs. A. Carrington and Jos. W. Young to meet with Messrs. Sunderland and Taggart, to arrange preliminaries for the discussion.

"Respectfully,

"BRIGHAM YOUNG."

DOCTOR NEWMAN TO PRESIDENT YOUNG.

"SALT LAKE CITY, Aug. 9, 1870.

"*To Mr. Brigham Young:*

"SIR—I challenged *you* to a discussion and not Orson Pratt or John Taylor. *You* have declined to debate personally with me. Let the public distinctly understand this fact, whatever may have been your reasons for so declining. Here I think I might reasonably rest the case. However, if Orson Pratt is prepared to take the affirmative of the question, 'Does the Bible sanction Polygamy?' I am prepared to take the negative, and Messrs. Sunderland and Taggart will meet Messrs. Carrington and Young to-night at eight o'clock at the office of Mr. Taggart, to make the necessary arrangements.

Respectfully, etc.,

"J. P. NEWMAN."

PRESIDENT YOUNG TO DOCTOR NEWMAN.

"SALT LAKE CITY, U. T., Aug., 10, 1870.

"*Rev. Dr. J. P. Newman:*

"SIR—I am informed by Messrs. Carrington and Young that at their meet-

ing last evening with Drs. Sunderland and Taggart they were unable to come to a decision with regard to the wording of the subject of debate.

"Bearing in mind the following facts: Firstly—That you are the challenging party. Secondly—That in a sermon delivered by you in the city of Washington, before President Grant and his Cabinet, members of Congress and many other prominent gentlemen, you assumed to prove that God's law condemns the union in marriage of more than two persons, it certainly seems strange that your representatives should persistently refuse to have any other question discussed than the one 'Does the Bible sanction Polygamy?' It appears to the representatives of Mr. Pratt that if Dr. Newman could undertake to prove in Washington that 'God's law condemns the union in marriage of more than two persons,' he ought not to refuse to make the same affirmation in Salt Lake City. Mr. Pratt, I discover, entertains the same opinion, but rather than permit the discussion to fall, he will not press for your original proposition, but will accept the question as you now state it, 'Does the Bible sanction Polygamy.'

"I sincerely trust that none of the gentlemen forming the committee will encumber the discussion with unnecessary regulations, which will be irksome to both parties and unproductive of good, and that no obstacles will be thrown in the way of having a free and fair discussion.

"Respectfully,

"BRIGHAM YOUNG."

CONDITIONS OF THE DEBATE.

1. The question to be discussed is, "Does the Bible sanction Polygamy?" Prof. Pratt to take the affirmative and Dr. Newman the negative.

2. The Bible, in the original and English tongues, shall be the only standard of authority in this debate, the disputants, however, being free to quote from any other works or sources of information.

3. The place for holding the discussion shall be the New Tabernacle.

4. There shall be three sessions on three successive days, each session to continue two hours—that is, giving each disputant one full hour at every session, the affirmative to have the first hour and the negative to have the last hour. The first session to be held on Friday, August 12th, 1870, at two o'clock P. M., and the second and third sessions at the same hour successively, on Saturday and Sunday, the 13th and 14th of the present month.

5. There shall be three umpires, one to be chosen by Prof. Pratt, one by Dr. Newman, and a third by these two, and the three shall unitedly preside at the discussion, preserve its dignity and decorum and enforce the usual rules which govern parliamentary debate.

6. No manifestation of dissent or approval shall be permitted during the progress of the discussion, nor shall either disputant be interrupted by the other while speaking, for any cause whatever. Corrections of statements or misunderstanding shall be made in the body of the subsequent reply.

7. Each disputant to have his own reporters and one other assistant in the labors of the debate; but such assistant shall take no part in the speaking.

8. The Tabernacle and necessary attendance to be furnished free of charge, and children under eight years of age not to be admitted.

9. At the close of the debate no formal decision to be taken.

10. Each session to be opened and closed by prayer under the direction of the speakers.

11. In preparing an account of the discussion for the press, each side shall be at liberty to chose his own organs and publish his own report, but no published report shall be accepted as correct unless subjected to the inspection of the respective parties and countersigned by the umpires.

Prof. Pratt, on his part, chose Judge Z. Snow as umpire, and Dr. Newman selected Judge C. M. Hawley.

The grand discussion duly came off in the great tabernacle in the presence of thousands. Each day's apostolic fight was glorified with a verbatim report in the *New York Herald*, and every leading paper in the country devoted its columns to a daily synopsis of the arguments. Never before, in the whole Christian era, had polygamy been so elaborately and ably discussed between two divines, and certainly never was a religious debate so extensively published and read. Millions of readers followed the arguments of Dr. Newman and Orson Pratt, and it is safe to estimate that quite two-thirds of them yielded the palm to the Mormon apostle and were convinced, though against their inclination, that upon strict Biblical grounds Mormon polygamy could not be successfully met.

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## CHAPTER LIII.

PRESIDENT GRANT BENT ON THE CONQUEST OF MORMON THEOCRACY. HE APPOINTS SHAFFER GOVERNOR FOR THAT PURPOSE. ARRIVAL OF THE WAR GOVERNOR. COUNCILS. PREPARATIONS FOR CONFLICT WITH THE UTAH MILITIA. GENERAL PHIL. SHERIDAN SENT OUT TO VIEW THE SITUATION. HE IS INTERESTED IN THE MORMONS AND TEMPERS THE WAR POLICY WITH A "MORAL FORCE." SHAFFER'S MILITARY *COUP DE MAIN*. GENERAL WELLS AVOIDS A COLLISION. CORRESPONDENCE BETWEEN THE LIEUT.-GENERAL AND THE GOVERNOR.

The design of President Grant to overthrow Mormon rule in Utah was developed through various methods of action. But first came his war policy, which at one time meant the absolute *conquest* of "Mormon Theocracy" by military force, or at least by military rule. This is what was signified by the appointment of a "War Governor," in the person of J. Wilson Shaffer.

In 1868, General Rawlins, then Secretary of War, visited Utah. The South was in process of reconstruction, and the Secretary thought that Utah needed reconstruction quite as much as the South. Casting his eye over the list of his old war comrades to find the man most fit for the work, he determined to select Gen-

eral Shaffer. Rawlings committed to President Grant his "dying charge," to appoint "Wils" Shaffer of Illinois, Governor of Utah, to conquer Brigham Young. After the death of the Secratary, on the resignation of Governor Durkee, the appointment was duly made. Surprised at the event, and knowing that the choice of himself, at that critical juncture of Utah affairs, was not due to political management, Shaffer hastened to Washington to "inquire" of the President. It was then that the new Governor learned from the lips of President Grant that he owed his appointment to the dead Secretary of War, and was informed of the grand purpose for which he had been chosen. This is Governor Shaffer's own statement.

Shaffer knew that he himself was gradually dying—that a few short months must close his mortal career. But he was assigned to a post of honor. He accepted the appointment as a trust extraordinary from the President of the United States, and as a legacy left to him by his dead patron and comrade. He under took the "mission" with the "vow" to execute it before his death. He would make himself Governor of Utah, to all intents and purposes, if he had to do it by the sword.

"Never after me," said he, "by ——! shall it be said that Brigham Young is Governor of Utah!"

Governor Shaffer arrived in Utah in the latter end of March, 1870.

On his arrival in Salt Lake City, Governor Shaffer was under deep chagrin concerning the passage of the Utah Female Suffrage bill. While at Washington he had personally charged Delegate Hooper and Hon. Tom Fitch, the member from Nevada, with betraying both himself and the Government in the signing of that bill by acting-Governor Mann. Shaffer was Governor of Utah at the time. On the receipt of the telegrapic news in Washington, that the Utah Legislature had passed the woman's suffrage bill, Governor Shaffer hastened to the rooms of Delegate Hooper, calling his attention to the news, declared that the bill must be vetoed and that he should immediately telegraph to the acting-Governor to veto it; but Hooper treated the news as a hoax, being too much of a politician to defeat the very bill of which he considered himself the father. The intended telegram of the Governor was not sent; a few hours afterwards the bill was approved; and Secretary Mann lost his official head in consequence.

From that moment it was resolved that not a Federal officer should remain in Utah who could not be trusted to execute the programme of the Government to its last letter. Secretary Mann was removed and succeeded by Vernon H. Vaughn; and Chief Justice Wilson was removed, and he was succeeded by James B. McKean. There were now in the Utah administration Governor Shaffer, Chief Justice McKean, General Maxwell, O. J. Hollister, brother-in-law of Vice-President Colfax, Judges Hawley and Strickland, U. S. Marshal Orr, U. S. District Attorney Charles H. Hempstead; Chief Justice McKean, however, had not yet arrived in Utah, although he figured in the administrative design.

On the arrival of our "war Governor," just after the passage of the Cullom bill, and the mass meetings of protest held by the Mormons in this city, the very air was charged with the elements of war. But, after consulting with his Federal compeers, Governor Shaffer sought counsel also of Mr. Godbe and his friends. Eli B. Kelsey was the first who had contact with him.

It was at war heat that Elder Kelsey found him at their first interview. "By G—d Brigham Young shall no longer be Governor of Utah," was fresh in his mouth; but he sat down with Elder Kelsey and entered into a warm discussion of the Mormon problem, Kelsey taking the Mormon side even to polygamy. The elder explained to the Governor the painful situation of the people in any view of the case if a crusade were prosecuted against them, and how certainly the Nation was about to crucify the Mormon women afresh unless the Government was considerate and just toward them.

"Governor," said Elder Kelsey, 'I will present my own family case. It is that of tens of thousands in *their* family relations. My wives entered into marriage relations with me with the purest motives, and from a conscientious religious conviction. They have children by me. Before I will forsake my wives and bastardize my children, I will fight the United States down to my boots! Governor Shaffer, put yourself in my place: What would you do?"

Thus brought face to face with the vital family question of an entire people, and boldly challenged for his personal answer, Shaffer was at once put upon his honor and manhood. The very difficulty, and the directness of the challenge, provoked him to strong feeling. He paced his room several times before he answered and then it came with an emphasis.

"By G—d, Mr. Kelsey, were I in your place I would do the same!"

And this is substantially what the manliest men of the Nation everywhere say to the Mormon people—say it in their silence and forbearance, as much as in their words and actions. After all this fuss over polygamy, America would not like to see the Mormon people dishonor themselves and betray their wives and children.

From that time, General Shaffer modified his desire for a war crusade against the polygamic people. His resolve thereafter was simply (to use his own words) to make himself "the Governor of Utah in fact and the commander-in-chief of the militia." Hence he directed all the action of his remaining life against Lieut-General D. H. Wells, which amounted to nothing more serious than the disbanding of the Utah militia.

Soon after this, President Grant sent General Phil Sheridan to Utah to judge of the situation and to establish another military post.

"Thereupon, a council was called at Shaffer's room, at which were assembled the Governor, General Sheridan and staff, certain other Federal officers and W. S. Godbe and several of his compeers; and then General Sheridan, with his simple directness, observed: "The President has charged me to do nothing without consulting Mr. Godbe and his friends." The Reformers thus honored with the confidence of the Government, then urged the following views:

That military force was not necessary to solve the Utah problem; that all which was needed was sufficient troops in the Territory to act as a "moral force" upon the public mind, convincing the Mormons that the Government intended to carry out its policy; that as more troops were designed for Utah, Provo would be the best place to station them; that these military movements should show no design to intimidate the Mormons, but simply assert the National authority by their presence.

General Sheridan said this advice coincided with his own views and those of President Grant; and he gave positive assurance that troops in Utah should only be used as a "moral force."

The post was duly established at Provo, and President Grant so far modified the original policy, projected by Vice-President Colfax, of forcing a rupture with the Mormon leaders. Moreover General Sheridan on his visit was greatly and favorably impressed towards the Mormon people. Speaking of it Stenhouse says:

"Lieutenant-General Sheridan visited Utah, and made himself acquainted with the actual situation of affairs. This distinguished soldier expressed the kindliest sentiments for the people, admired the work they had accomplished, and hoped that nothing would occur to disturb them in the peaceful possessions of their homes. His visit was at the finest season of the year, and he was truly charmed with the appearance of the city. Troops, whenever wanted, would however, be forthcoming, not as a menace to the community, but that at their camp the oppressed might find beneath the stars and stripes the protection of the Government. Governor Shaffer is dead; he cannot answer his traducers; but these were his sentiments, and almost his words to the author as well as the words of the great cavalry-soldier of the Republic."

But Governor Shaffer was resolved not to die before he had executed some military *coup de main* against Mormondom. The annual muster of the Territorial militia gave him the opportunity. Here is the call for the muster, followed by proclamations and correspondence between the Governor and the Lieut.-General. They tell their own story.

THE LIEUT.-GENERAL'S ORDER.

"ADJUTANT-GENERAL'S OFFICE, U. T.,

"SALT LAKE CITY, Aug. 16th, 1870.

"*General Orders, No. 1.*

"No. 1.—Major-General Robert T. Burton, commanding 1st Division Nauvoo Legion, Salt Lake Military District, will cause to be held a general muster, for three days, of all the forces within said district, for the purposes of drill, inspection and camp duty.

"No. 2.—The commandants of Utah, Juab, Sanpete, Parowan, Richland, Tooele, Summit and Wasatch military districts, will cause to be held a similar muster, not to exceed three days, of the forces in their respective districts, to be held not later than the 1st day of November. Said commandants will cause suitable notice to be given of time and place of muster, and all persons liable to military duty to be enrolled and notified.

"No. 3.—Bands of music may be organized, and musicians required to perform duty as per General Order No. 2.

"No. 4.—It is with deep regret that we announce to the Legion the death of Brigadier-General C. W. West, commandant of Weber military district.

"No. 5.—At the muster of the forces of Cache military district, there will be elected a brigadier-general, who will take command of said district.

"No. 6.—District commandants will cause all vacancies to be filled in their respective districts; they will have a rigid inspection of arms and equipments, and make full and complete returns to this office, on or before the fifteenth day of

November. They are also enjoined to enforce good order and sobriety, and to take every precaution to avert the occurrence of accident from any cause whatever during the muster.

By order of

"LIEUT.-GEN. DANIEL H. WELLS,
"*Commanding Nauvoo Legion.*

"H. B. CLAWSON.
"*Adjutant-General, U. T.*"

GOVERNOR SHAFFER'S PROCLAMATION—1.

"EXECUTIVE DEPARTMENT, SALT LAKE CITY, UTAH TERRITORY,
"September 15th, 1870.

"Know ye, that I, J. Wilson Shaffer, Governor of the Territory of Utah, and commander-in-chief of the militia of said Territory, by virtue of the power and authority in me vested by the laws of the United States, have this day, appointed and commissioned P. E. Connor, major-general of the militia of Utah Territory; and W. M. Johns, colonel and assistant adjutant-general of the militia of the Territory. Now, it is ordered that they be obeyed and respected accordingly.

"Witness my hand and the great seal of said Territory, at Salt Lake
[SEAL.] City, this the 15th day of September, A. D. 1870.

"J. W. SHAFFER,
"*Governor.*

"Attest: VERNON H. VAUGHN,
"*Secretary of Utah Territory.*"

GOVERNOR SHAFFER'S PROCLAMATION—2.

"EXECUTIVE DEPARTMENT, SALT LAKE CITY, UTAH TERRITORY,
"September 15, 1870.

"Know ye, that I, J. Wilson Shaffer, Governor of the Territory of Utah, and commander-in-chief of the military of the Territory of Utah, do hereby forbid and prohibit all musters, drills or gatherings of militia of the Territory of Utah, and all gatherings of any nature, kind or description of armed persons within the Territory of Utah, except by my orders, or by the orders of the United States marshal, should he need a *posse commitatus* to execute any order of the court, and not otherwise. And it is hereby further ordered that all arms or munitions of war belonging to either the United States or the Territory of Utah, within said Territory, now in the possession of the Utah Militia, be immediately delivered by the parties having the same in their possession to Col. Wm. M. Johns, assistant adjutant-general; and it is further ordered that, should the United States marshal need a *posse commitatus*, to enforce any order of the courts, or to preserve order, he is hereby authorized and empowered to make a requisition upon Major-General P. E. Connor for such *posse commitatus* or armed force; and Major-General P. E. Connor is hereby authorized to order out the militia, or any part thereof, as of my order for said purposes and no other.

"Witness my hand and the great seal of said Territory, at Salt Lake
[SEAL.] City, this the 15th day of September, 1870.

"J. W. SHAFFER,
"*Governor.*

"Attest: VERNON H. VAUGHN,
"*Secretary of Utah Territory.*"

THE LIEUT.-GENERAL'S REPLY TO THE GOVERNOR.

"ADJT.-GENERAL'S OFFICE, U. T., SALT LAKE CITY,
"October 20, 1870.

"*His Excellency J. W. Shaffer, Governor, and Commander-in-chief of the militia of Utah Territory:*

SIR:—Whereas, a proclamation has been published, emanating from your Excellency, in which the holding of the regular musters in this Territory is prohibited, except by your order; and

"Whereas, to stop the musters now, neither the terms of the proclamation, the laws of the Territory, nor the laws of Congress requiring reports of the force and conditon of the militia of the Territory could be complied with; we, therefore, the undersigned, for and in behalf of the militia of said Territory, respectfully ask your Excellency to suspend the operation of said proclamation until the 20th day of November next, in order that we may be enabled to make full and complete returns of the militia as aforesaid.

DANIEL H. WELLS,
*Lieut.-Gen. Com'g Militia, U. T.*

"H. B. CLAWSON,
"*Adjt.-Gen. Militia, U. T.*"

THE GOVERNOR'S FIAT.

"EXECUTIVE DEPARTMENT, UTAH TERRITORY,
"SALT LAKE CITY, October 27, 1870.

"*Daniel H. Wells, Esq.:*

"I have the honor to acknowledge the receipt of your communication of yesterday, in which you sign yourself 'Lieutenant-General commanding the militia of Utah Territory.' As the laws of the United States provide for but one Lieutenant-General, and as the incumbent of that office is the distinguished Philip H. Sheridan, I shall certainly be pardoned for recognizing no other.

"In your communication you addressed me as 'Commander-in-chief of the militia of Utah Territory." It is now twenty years since the act to organize this Territory was passed by the Congress of the United States, and, so far as I am informed, this is the first instance in which you, or any of your predecessors, in the pretended office which you assume to hold, have recognized the Governor of this Territory to be, as the Organic Act makes him, the Commander-in-chief, etc. My predecessors have been contemptuously ignored, or boldly defied. I congratulate you and the loyal people here, and elsewhere, on the significant change in your conduct.

"You do me the honor to ask me to suspend the operation of my proclamation of September 15th, 1870, prohibiting all musters, drills, etc., etc. In other words, you ask me to recognize an unlawful military system, which was originally organized in Nauvoo, in the State of Illinois, and which has existed here without authority of the United States, and in defiance of the Federal officials.

"You say: 'Whereas, to stop the musters now, neither the terms of the proclamation, the laws of the Territory, nor the laws of Congress, etc., could be complied with.' That is, my proclamation cannot be carried out, unless I let

you violate it. Laws of the Territory which conflict with the laws of Congress, must fall to the ground, unless I will permit you to uphold them, and the laws of Congress cannot be complied with unless I will let you interpret and nullify them! To state the proposition is to answer it.

"Mr. Wells, you know, as well as I do, that the people of this Territory, most of whom were foreign born, and are ill acquainted with our institutions, have been taught to regard certain private citizens here as superior in authority not only to the Federal officials here, but also at Washington. Ever since my proclamation was issued, and on a public occasion, and in presence of many thousands of his followers, Brigham Young, who claims to be, and is called, 'President,' denounced the Federal officials of this Territory with bitter vehemence, and on a like occasion, about the same time, and in his (Young's) presence, one of his most conspicuous followers declared that Congress had no right whatever to pass an organic act for this Territory; that such was a relic of colonial barbarism, and that not one of the Federal officials had any right to come to, or remain in, this Territory.

"Mr. Wells, you ask me to take a course which, in effect would aid you and your turbulent associates to further convince your followers that you and your associates are more powerful than the Federal Government. I must decline.

"To suspend the operation of my proclamation now, would be a greater dereliction of my duty than not to have issued it.

"Without authority from me you issued an order in your assumed capacity of lieutenant-general, etc., calling out the military of the Territory to muster, and now you virtually ask me to ratify your act.

"Sir, I will not do anything in satisfaction of your officious and unwarranted assumption.

"By the provisions of the Organic act, the Governor is made the commander-in-chief of the militia of the Territory, and, sir, so long as I continue to hold that office, a force so important as that of the militia shall not be wielded or controlled in disregard of my authority, which, by law, and by my obligation, it is my plain duty not only to assert, but, if possible, to maintain.

"I hope the above is sufficiently explicit to be fully understood, and supersede the necessity of any further communications on the subject.

"I have the honor to be, etc.

(Signed) J. W. SHAFFER,
*Governor and Commander-in-Chief of Utah Territory.*

AN OPEN LETTER TO GOVERNOR SHAFFER.

"*Editor Deseret Evening News:*

"SIR:—I find myself under the necessity of requesting you to give space in your columns for the enclosed correspondence between myself and His Excellency Governor Shaffer. His reply to my communication reached me yesterday, and it was only a few hours afterwards that I saw the entire correspondence in print. I might have felt some reluctance before this in giving our correspondence publicity, but now I have no alternative; my duty to the public, my regard for truth,

and my own self-respect will not suffer me to remain silent; and although Governor Shaffer closes his communication by saying that he hopes what he has written will supersede the necessity of any further communication on this subject, I am constrained to write you this letter.

"The first point which I will notice in his communication is the statement that,—

"'As the laws of the United States provide for but one lieut.-general, and as the incumbent of that office is the distinguished Philip H. Sheridan, I shall certainly be pardoned for recognizing no other.'

"What inference does Governor Shaffer wish to draw from this? The same law of Congress which provides for *one* lieut.-general provides for five major-generals (see Army Register for 1869; also General E. D. Townsend's report to General W. T. Sherman, commanding U. S. army for same year); must we therefore conclude that there shall be no major-generals of militia in the States or Territories? The same law prescribes that there shall be eight brigadier-generals; are we to understand Governor Shaffer that the distinguished gentlemen who hold these positions in the regular army are the only ones in the States and Territories who are to be recognized as such? This being the inference to be drawn from his language, who shall presume to recognize any officers of militia in any of the States and Territories as major-generals and brigadier-generals, when the law of Congress has already provided for but five of the former and eight of the latter?

"As His Excellency seems to take pleasure in referring to law, permit me also to direct his attention to the following:

"Section 10 of an Act, approved July 28th, 1866, limits the number of officers and assistant adjutant-generals in their respective corps, prescribing their rank, pay and emoluments; and section 6 of an Act approved March 3d, 1869, provides that, until otherwise directed by law, there shall be no new appointments in the Adjutant-General's department; also an Act of June 15th, 1844, chapter 69, entitled, 'an Act to authorize the Legislatures of the several Territories to regulate the appointment of representatives and for other purposes,' provides, in section 2, 'that justices of the peace, and all general officers of militia in the Territories, shall be elected by the people, in such manner as the respective Legislatures thereof shall provide by law.' Also, see Brightly's Digest of the United States Laws, page 619, on organization of the militia, section 3.

"These extracts are from laws of Congress—the laws for which His Excellency seems to have so much respect; and if they are the only laws which obtain in this Territory, how can His Excellency reconcile with them his recent appointment by proclamation of a major-general, and an assistant adjutant-general for the militia of Utah? And what about the five distinguished incumbents of the office of major-general already appointed under the law? Or, does his Excellency imagine that it falls to his province to fill the vacancy created by the death of the lamented George H. Thomas.

"The second point in Governor Shaffer's communication which I will notice, is wherein he states that—

"'So far as I have been informed, this is the first instance in which you or any of your predecessors, in the pretended office which you assume to hold, ever re-

cognized the Governor of this Territory to be as the organic act makes him to be, the commander-in-chief, etc , etc. My predecessors have been contemptuously ignored or boldly defied.'

"It is scarcely necessary for me to remark to any resident familiar with the history of this Territory that Governor Shaffer's information on this subject is very defective. That which he styles a "pretended office" I have held by the unanimous voice of the people of the Territory—the office having been created by Act of the Legislative Assembly of the Territory of Utah, approved by the Governor, Feb., 5th, 1852, and not transported from Illinois, as stated by Governor Shaffer in another part of his letter. Even if it were as he states, can no good thing come out of Illinois? Or is it such a crime to copy after anything emanating from that distinguished State? I may here add, further, that I have never had any predecessor in the office since the organization of the Territory. As to this being the "first instance" in which I have recognized the Governor of this Territory as the commander-in-chief, Governor Shaffer is either strangely ignorant or wilfully misrepresents, for during the first eight years after the organization of the Territory, His Excellency Brigham Young was the Governor of the Territory, and I presume no one will dispute that he was recognized as the commander-in-chief. During the next four years, while His Excellency Alfred Cumming was Governor of the Territory, and also during the administrations of his successors up to the present time—with the exception of Governor Dawson, who only remained in the Territory about thirty days—I have abundant documentary evidence to show that I recognized them as governors and commanders-in-chief of the militia of the Territory, and have in return been recognized by them as lieut.-general commanding militia of Utah Territory. Besides being recognized as lieut.-general by the predecessors of Governor Shaffer, I have in every instance been acknowledged as such in all official correspondence with officers of the regular army, superintendents of the Indian affairs and other 'Federal officials,' both here and out of the Territory. His Excellency Governor Shaffer therefore stands distinguished as the first 'Federal officer' who, in reply to a respectful communication, has so far forgotten what is due from a man holding his position, as to ignore the common courtesies always extended between gentlemen.

"Before ending my reference to this point, permit me, if it does not trespass too much on your space, to give you copies of one or two communications which I have received from predecessors of Governor Shaffer:

"EXECUTIVE DEPARTMENT, GREAT SALT LAKE CITY,
"June 11th, 1862.

"*To Gen. D. H. Wells, commanding militia of Utah Territory.*

"SIR—A requisition has been made upon me this day by Henry W. Lawrence, Esq., Territorial Marshal for the Territory of Utah, through his deputies, R. T. Burton, Esq., and Theodore McKean Esq., for a military force to act as a *posse commitatus* in the service of certain writs issued from the Third Judicial District Court of said Territory, for the arrest of Joseph Morris and others, residing in the northern part of Davis County, in said district.

"It appears that said Joseph Morris, and his associates, have organized themselves into an armed force to resist the execution of said writs, and are setting at defiance the law and its officers.

"I therefore require you to furnish the said Henry W. Lawrence, Esq., or his deputies aforesaid, a sufficient military force for the arrest of the offenders, the vindication of justice, and the enforcement of the law.

"FRANK FULLER,
"*Acting Governor and Commander-in-chief.*

"EXECUTIVE DEPARTMENT, GREAT SALT LAKE CITY,
November 26th, 1862.

"*Lieut.-Gen. D. H. Wells, Commanding Nauvoo Legion*:

"SIR—I herewith enclose a communication directed to the Governor of this Territory, from the War Department at Washington, in relation to arms, etc., furnished by the several States since the 4th of March, 1861. If you have any information on the subject applicable to this Territory, I will be glad if you will report the same to me immediately.

"I remain, respectfully yours, etc.

H. S. HARDING,
*Governor and Commander-in-Chief of the Territory of Utah.*

"P. S.—You will please return the communication from the War Deparment with your report.

"As to Governor Shaffer's next paragraph I fail to see the point as stated As has been the usage in the Territory for years past, and in accordance with the laws thereof, orders were issued for the holding of the regular Fall muster of the military of the Territory in their respective districts. These orders, were dated August 16th, 1870. Some thirty days after, Governor Shaffer issued his proclamation prohibiting the holding of musters, drills, etc. In my communication to him, I simply asked him to suspend the operation of that proclamation until the 20th of November, that the Fall musters might be completed—they having already been held in some of the districts—in order that I might comply with the request of the department made through the Adjt.-General's office, for Washington city, asking for the annual return of the militia of Utah Territory, in accordance with the provisions of the Act of Congress (sec. 1.), approved March 20th, 1803. How this can be construed into an attempt to 'nullify' the laws of Congress escapes my penetration, but, on the contrary, it appears to me that the proclamation of Governor Shaffer is calculated to produce that result. As to there being any conflict between the laws of the Territory and the laws of Congress, that is mere assertion, incapable of proof.

"As to his allusion respecting what has been said at public meetings, I have to say that public officers, 'Federal officials' included, are supposed to be public property, so far as their official acts are concerned, and subject to the scrutiny of the people. Every man under our Government has the right to free speech, and to express his opinions concerning the acts of public officers—a right, moreover, which is generally indulged in by all parties. I am not aware that President

Brigham Young has 'denounced the Federal officials of this Territory with bitter vehemence,' or that if he has, I am responsible therefor, or that I should be held responsible for the opinion of any other gentleman in regard to the power of Congress to organize a Territorial government.

"I am of the opinion that the people of the Territory, according to the Constitution, have the right to bear arms—that the Legislative Assembly had the right to organize the militia—that Congress had the right to declare that the general officers should be elected by the people in such a manner as the respective legislatures of the States and Territories may provide by law; that the Governors of the States and Territories are the commanders-in-chief of the militia, the same as the President of the United States is commander-in-chief of the armies and navies of the United States, with generals and admirals under him commanding; that the military organization of our Territory follows that of the Federal Government more closely, perhaps, than that of any other Territory or State in the Union; and that governors and commanders-in-chief are as much the creatures of law as any other officers, and while they exercise a higher jurisdiction, they are as amenable to law as the humblest officer or citizen.

"I will not take up your valuable space, neither will I condescend to make reference to the concluding paragraphs of his letter. My only object has been to vindicate the Legislative Assembly, myself and the people, as to our rights under the law, so unwarrantably assailed in the communication of Governor Shaffer.

Respectfully,

"DANIEL H. WELLS."

"ADJUTANT-GENERAL'S OFFICE, U. T.,
SALT LAKE CITY, Nov. 12th, 1870.

"*General Orders, No. 2.*

"1.—So far as the general musters in various military districts have not already been held, as contemplated in General Orders, No. 1, of August 16th, 1870, they are hereby postponed until further orders.

"By order of "D. H. WELLS,

"*Lieut.-Gen. Com'g N. L. Militia, U. T.*

H. B CLAWSON,
*Adjutant-General, U. T.*

Thus was suspended that famous Nauvoo Legion which, in 1857-58, stood against the army of the United States. At the time of this occurrence it numbered about thirteen thousand men, who were well armed and equipped, and well drilled. First organized by "Joseph, the Prophet," to whom it owes its name, it was subsequently brought in this Territory to a condition of great efficiency by General Wells. Brigham Young was the second lieutenant-general of the Legion, but, after he had sufficiently filled the calling of a prophet-general, in leading his "Latter-day Israel" to the Rocky Mountains, he resigned, and Daniel H. Wells succeeded him. Under this thoroughly military type of man the Legion was perfected, having, at the time of its suspension, two major-generals, nine brigadier-generals, and twenty-five colonels, with their respective staffs.

Of Governor Shaffer's part in the disbanding of the militia Stenhouse has a very noteworthy passage of history. He says:

"That was the last official act of Governor Shaffer, and it was solely his own, and not the emanation of a "ring," as charged by the Mormons. He was dictating the last words of the letter as the author entered the Executive office, and there he was lying upon his couch, weak, exhausted, and scarcely able to to speak. 'I have answered their letter, Stenhouse," he said.

"'And I expect, Governor, after the acknowledgment of your authority, you have granted them permission?'

"'You think I would! Stenhouse, if I were not dying, I would get up and whip you. They are traitors, and I only regret that I shall not live to help bring them to justice. Brigham Young has played his game of bluff long enough. I will make him show his hand." * * * The Governor died on the last day of October—six weeks after the difficulty had begun; the militia trouble did not end with his life.

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## CHAPTER LIV.

CONTEST FOR THE DELEGATE'S SEAT IN CONGRESS. CALL OF THE LIBERAL CENTRAL COMMITTEE. CORINNE CHOSEN FOR THEIR CONVENTION. THE CONVENTION IN SESSION. RESOLUTION TO UPHOLD GOVERNOR SHAFFER. NOMINATION OF MAXWELL. NAMING OF THE PARTY. THE LIBERALS SHAMEFULLY BEATEN, BUT RESOLVED TO SEND THEIR "DELEGATE" TO CONGRESS, HE BEING CHOSEN FOR THE PURPOSE OF CONTESTING THE SEAT.

The August election of 1870, gave the Utah Liberal party the opportunity of contesting for the Delegate's seat in Congress. Hon. Wm. H. Hooper was the nominee of the People's party. It was not for a moment thought that any worthy opposition could be made, as regards the relative voting strength of the parties. In 1870 the People's party could poll 20,000 to 1,000 of the opposition. The specific object of the Liberal party in the contest was to create an opportunity to send their nominee to Washington, to contest the seat, and from time to time to send one there, whether victorious or not. Indeed this party from its birth entertained the belief that Congress would, upon some cause, give the seat to the anti-Mormon Delegate, and that Utah never would be admitted as a State, until the absolute political control was placed in their hands. Nothing, however, in 1870, had been conceived by them of so radical a character as the disfranchisement of the whole Mormon people, unless some overt act should occur to give the administration the cause to place the Territory under martial law, for which object the anti-Mormons constantly aimed. The ground of this contest in Washington for Utah's seat was to be made on an accusation against Mr. Hooper of

disloyalty, having taken part against the Government during the "Buchanan war;" and also as being unfitted as a delegate to Congress, by reason of having taken the "endowment oath."

The aims thus laid down, the Central Committee of the Liberal party issued the following call:

"CONVENTION.

"The citizens of Utah residing within the several counties of said Territory, who are opposed to despotism and tyranny in Utah, and who are in favor of freedom, liberality, progress, and of advancing the material interests of said Territory, and of separating church from state, are requested to send delegates to meet in convention at Corinne, Utah, on Saturday, July 16th, 1870, at 10 P. M., of said day, to put in nomination a candidate to Congress, to be voted for at the Territorial election to be held on the first Monday in August next.

"By order of the committee,

"J. M. ORR, *Chairman*.

"S. KAHN, *Secretary*,

"S. L. City, June 24, 1870."

The reason of the transfer of the political action from Salt Lake City, where the Liberal party was born, to Corinne was a political move well considered by the party managers, and designed for the capture of one of the counties. It was evident from the recent contest, in the municipal election of Salt Lake City, that no effective opposition could be made at the capital. On the other hand Corinne was rising as a Gentile city, and though since nearly a deserted place, its founders believed that it would become the nucleus of the Gentile force, and be not only able to carry Box Elder County, but also to greatly influence the elections in Weber County. Hence the managers of the party selected Corinne as its centre of operations in its first Territorial contest with the People's party, rather than Salt Lake, where it had met such an overwhelming defeat.

The convention met pursuant to call. On motion from Mayor C. H. Hempstead of Salt Lake City, General P. Edward Connor was elected temporary chairman. A permanent organization was quickly effected.

One of the resolutions passed at the convention is very noteworthy:

"*Resolved*, That in the selection of J. Wilson Shaffer, as Governor of Utah, we recognize an appointment eminently fit and proper; that his past services in the cause of his country, and his firm, upright, wise and judicious course in this Territory, since he came among us, commend him to the confidence of this convention and the people it represents; and we pledge ourselves to yield to him a continued, unwearied, and we trust efficient support in the performance of his high duties and the enforcement of the laws."

On motion of General Connor, it was adopted with three cheers for Governor Shaffer.

That resolution was made with the knowledge of Governor Shaffer's intention to forbid the yearly muster of the Utah militia, a few weeks later, and to reorganize it under his special direction with officers of his own choice, P. Edward Connor being his major-general and Col. Wm. M. Johns his adjutant-general.

Such a design had been contemplated in the Wade Bill, the Cragin Bill and the Cullom Bill; and at the date of the convention it was known by those in his confidence that Governor Shaffer had resolved to reconstruct the Utah militia, setting aside Lieut.-General Wells and the rest of the officers elected by the people. This was the meaning of the carrying of the above resolution "with three cheers for Governor Shaffer."

On motion of R. H. Robertson, the convention next proceeded to nominate a candidate for delegate to Congress. General Connor nominated Gen. George R. Maxwell of Salt Lake County; and on motion of E. P. Johnson the nomination was made unanimous by acclamation, with three cheers.

Before the close of the convention, on motion of E. P. Johnson, the organization was called the "Liberal Political Party of Utah."

The convention adjourned with three cheers.

Having thus perfected their organization, formulated their platform and nominated their candidate, the Liberal party opened their campaign in Salt Lake City, on the 19th of July; for, notwithstanding Corinne had been chosen for preliminary business, Salt Lake City alone could afford sufficient sensation for the opening of the campaign.

At the election the vote was overwhelming in favor of Hon. Wm. H. Hooper, who received over 20,000 votes as against a few hundred cast for General Maxwell, who, however, contested the seat.

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## CHAPTER LV.

THE "WOODEN GUN REBELLION." ARREST OF MILITIA OFFICERS FOR ASSEMBLING THEIR COMPANY. THEY ARE HELD PRISONERS AT CAMP DOUGLAS; EXAMINED BEFORE JUDGE HAWLEY FOR TREASON; COMMITTED TO THE GRAND JURY FOR TREASON AND PLACED UNDER BONDS. THE GRAND JURY IGNORES THE CASE. THE SERIOUS FACE BEHIND THE EXTRAVAGANZA OF THE "WOODEN GUN REBELLION."

Governor Shaffer was dead, but his proclamation was in force, and that fact speedily led to nearly serious consequences, in the arrest of certain militia officers, their imprisonment at Camp Douglas, and subsequent presentment to the grand jury for treason, as will be seen in the closing passage of Associate Justice Hawley's ruling in the preliminary examination:

"How far the defendants may be guilty, I am not called upon to decide, nor to construe the statutes of this Territory, under which they have been arrested, except so far as to decide that the defendants, however, have probably committed a crime. I shall leave the matter, therefore, to be further considered and investigated, and to that end shall leave the defendants to answer to the deliberation of

a grand jury. I will fix the bail bond in the case of the higher grade of officers at the sum of $5,000, and the lesser $2,000.

This military episode in the history of Salt Lake City is usually treated in the extragavanza style of "The Wooden Gun Rebellion;" but it cannot be so considered in legitimate history. In fine it was a capital circumstance, most serious and significant in its direct intents, and in its relations to other vital matters then pending, the very issues of which waited a development which was thus precipitated.

There was involved in the circumstance, on the one hand, the Constitutional right of the people of this Territory to bear arms, and of their Legislature to organize and regulate a militia for the protection of the country, and the public weal, as prescribed by their legislative enactments. On the other hand, there was an assumption of an extraordinary power, inhering in the Governor, to set aside and supersede the control of the Legislature in the affairs of the militia, and to abolish the organization which that Legislature had created for the protection of the Utah colonies. Indeed, on this hand, it involved all contained in the unpassed bills of Senators Wade and Cragin, relative to our Territorial militia, the sections of which may be pertinently repeated, as they connect here with the actual history:

"And be it enacted that there shall be in the militia of said Territory no officer of higher rank or grade than that of major-general, and all officers civil and military shall be selected, appointed and commissioned by the Governor; and every person who shall act or attempt to act as an officer, either civil or military, without being first commissioned by the Governor, and qualified by taking the proper oath, shall be guilty of misdemeanor, and upon conviction thereof, shall be subject to a fine not exceeding one thousand dollars, and imprisoned in the penitentiary not exceeding one year, or both such fine and imprisonment at the discretion of the Court.

"And be it further enacted, that the militia of said Territory shall be organized and disciplined in such manner and at such times as the Governor of said Territory shall direct. And all the officers thereof shall be appointed and commissioned by the Governor. As commander-in-chief the Governor shall make rules and regulations for the enrolling and mustering of the militia, and he shall yearly, between the first and last days of October, report to the Secretary of War the number of men enrolled, and their condition, the state of discipline, and the number and description of arms belonging to each company, division or organized body. Aliens shall not be enrolled and mustered into the militia.

"And be it further enacted, that all commissions and appointments civil and military, heretofore made or issued, or which may be made or issued before the 1st day of January, 1867, (or in this case at the date of Governor Shaffer's proclamation) shall cease and determine on that day, and shall have no effect or validity thereafter."

Had these bills passed the two houses of Congress, it would still have been an important constitutional question for the Supreme Court of the United States to decide, whether or not, even with an act of Congress, such extraordinary powers could be properly conferred upon the Governor, setting aside the local legislature and all its enactments in the matter; or at least whether or not this

could be done until the Territory had been first declared by the President and Congress to be in an actual state of rebellion. In such a case, either the regular army, or the militia of the Territory, would be properly ordered, as a *posse comitatus* of the Governor, by which to execute the special purposes of the general Government concerning said Territory.

But without such acts of Congress, or the existence of such a condition of rebellion, Governor Shaffer had assumed all these extraordinary powers, superseding the Territorial Legislature by arbitrary will, and further by proclamation attempted to create a military despotism.

In the correspondence between Governor Shaffer and Lieut.-General Wells, the Governor had said:

"You ask me to recognize an unlawful military system, which was originally organized in Nauvoo, in the State of Illinois, and which has existed here without authority of the United States, and in defiance of the Federal officials."

And Lieut.-General Wells had replied through the *Deseret News:*

"That which he (Governor Shaffer) styles a pretended office, I have held by the unanimous voice of the people of the Territory—the office having been created by act of the Legislative Assembly of the Territory of Utah, approved by the Governor, February 5th, 1852, and not transported from Illinois as stated by Governor Shaffer. * * * I am of the opinion that the people of the Territory, according to the Constitution, have the right to bear arms—that the Legislative Assembly had the right to organize the militia—that Congress had the right to declare that the general officers should be elected by the people, in such a manner as the respective legislatures of the States and Territories may provide by law; that the governors of the States and Territories are commanders-in-chief of the militia, the same as the President of the United States is commander-in-chief of the armies and navies of the United States, with generals and admirals under him commanding; that the military of our Territory follows that of the Federal Government more closely, perhaps, than that of any other Territory or State in the Union; and that governors and commanders-in-chief are as much the creatures of the law as any other officers, and while they exercise a higher jurisdiction, they are as amenable to law as the humblest officer or citizen."

But notwithstanding that Lieut.-General Wells and the Utah Legislature held the constitutional right of the question, and that Governor Shaffer had assumed powers which did not lawfully belong to his office, he had practically, by a military *coup de main*, set aside the Legislature and suspended the militia.

Disobedience of the Governor's proclamation, and any attempt to muster in the various military districts, would be construed by the Federal officials as overt acts of rebellion to the United States authority. To reach such a construction of the case was the very object of the proclamations.

Governor Shaffer was dead; but his proclamation remained in force; while Vernon H. Vaughn, the former Secretary of the Territory, whose name was also to the proclamation, was now Governor of the Territory; and George A. Black, who came to Utah as Shaffer's private secretary, was now Secretary of the Territory. With these Federal officers in the succession, the proclamation of the dead

Governor was like an inheritance in their hands. Thus stood the case on the side of the Federal officers.

On the other hand the members of the Legislature, the old officers of the militia, and the mass of the citizens throughout the Territory regarded the late Governor Shaffer's acts, and exercised powers, in relation to the militia as unlawful and usurpation, subversive at once of the citizen's constitutional right, and also his duty to the State to bear arms, and subversive of the powers and functions of the Territorial commonwealth.

In such a view of the case it was, to say the least, very proper in the citizens to test the matter by some method, in the hope, perhaps, that the obstruction had been removed; for evidently Governor Vaughn, living, could reverse the action of Governor Shaffer, dead. All the Governors of Utah up to Shaffer's time had recognized the Utah militia, not only as a proper and lawful organization, but one which had from the beginning been necessary to the safeguard of the Territory; while President Lincoln had, in 1862, directly called upon a portion of that militia to aid the Government in the protection of the Overland Mail route; and, less than eighteen months previous to the date of Governor Shaffer's proclamation, the Secretary of War had submitted to the House of Representatives the report of the adjutant-general of the Utah militia, relative to the employment of that militia by the Federal officers—Governor and Indian Agent—and that too by the direction of the War Department, for the suppresssion of Indian hostilities during the years 1865, 1866, and 1867. It simply needed now that Governor Vaughn should take the proper and legal view,—that this local military organization was the natural and properly constituted militia of a Territory, rather than a *posse comitatus* of the Governor, to restore that militia to its former footing.

Hence came the test of the "Wooden Gun Rebellion," to see in which of these lights the new Governor would view the military organization of the Territory. However like an extravaganza on the outside, the affair possessed a very solid and constitutional inside.

The militia serio-comedy came thus: Certain of the officers of companies and regiments, without the action of their commanding officers or an order from the lieutenant-general, decided to have a sort of an unofficial *re-union* of their companies, in the absence of the yearly muster. Evidently this was to feel the way for the coming year, without a violent shock to the dead Governor's proclamation, which would itself also be defunct, unless continued in force by the action of the new Governor, seeing the proclamation was based upon no act of Congress, nor upon any constitutional ground.

But the popular version of the affair ran thus: The band of the 3rd regiment had just received some new instruments from the East; and the jubilant musicians invited the men of their regiment to turn out and hear a musical performance, and to glorify the occasion by an accompanying drill. On November 21st, 1870, the citizen soldiers in question met at the Twentieth Ward Schoolhouse, in which ward most of the regiment resided, but without the order or presence of their colonel. It was said, they "had a very pleasant time together, and were all exceedingly pleased with the music of the band and also with their own evolutions." Meantime the news was heard "down town," and Mr.

Secretary Black, with two deputy marshals, hastened up to the scene of the "rebellion." Immediately after the dismissal of the regiment, a warrant was issued by Judge Hawley for the arrest of eight of the officers of the regiment, who were brought before his honor and examined on the charge of treason. The court appointed a prosecuting attorney, who opened the case by reading Section two of an act passed by Congress, "to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels and for other purposes," which reads:

"*And be it further enacted*, That if any person shall hereafter incite, set on foot, assist, or engage in any rebellion or insurrection against the authority of the United States, or the laws thereof, or shall give aid or comfort thereto, or shall engage in, or give aid or comfort to, any such existing rebellion or insurrection, and be convicted thereof, such person shall be punished by an imprisonment for a period not exceeding ten years, or by a fine not exceeding ten thousand dollars, and by a liberation of all his slaves, if any he have; or by both of said punishments, at the discretion of the Court."

"But the U. S. prosecutor was brought to a pause and his full period reached on the "dollars." He seemed to appreciate that the "liberation of all his slaves" was slightly inapplicable to this case, though both the prosecutor and the Court clearly saw the fittest political and legal application of the rest of the section to the drill in the Twentieth Ward, Salt Lake City. The following report of the examination, however, will be sufficient to unveil to a coming generation the formidable "insurrection against the authority of the United States," which occurred in said Twentieth Ward, on the 21st of November, 1870:

"*R. Keyes examined by Mr. Maxwell*:—

"Where do you live? In Salt Lake City. Where were you on the morning of the 27th of November? In this city, at the court room. Were you at the Twentieth Ward Schoolhouse during the day? Yes, sir. What did you see there? I saw a company of men drilling there. How were they equipped, had they guns? Yes, sir. Can you identify any of them? Yes, sir; I can identify Mr. Burt, Mr. Ottinger, Mr. Phillips, the two Livingstones,—Charles and Archibald, —Mr. Savage, Mr. Graham and Mr. Fennamore.

"*Cross-examined by Judge Snow*:—

"What time were you there? Between eleven and twelve o'clock in the forenoon. You saw those men there? Yes, sir. You saw them drilling? Yes, sir. Had they any music? Yes, sir. Any uniform? Yes, sir. I believe all the officers were in uniform. Who were the officers? Mr. Ottinger was giving command when I was there. I don't know whether he was an officer or not. What others were there? Mr. Burt. Was Mr. Burt an officer? I don't know. Any others? Mr. Phillips. Do you know whether he was an officer? Don't know any more than the rest. Mr. Savage, the two Livingstones, Mr. Graham the same. Mr. Fennamore had a gun, and should judge he was a corporal from the number of stripes on his clothes. How long were you there? About ten minutes. Did you talk with any of those present? With Mr. Savage? Any other? No. Was there any boisterousness there? Not any in the least. What kind of music had they? Martial. Did you observe whether the uniform was

new or old? It was very nice uniform. I could not see whether it was new or old. Was there any drunkenness? No, sir. You did not see any liquor on the ground? No, sir. Do you know how long they kept it up? I was there ten minutes, and rode on a block or two beyond, and as I came back they were just dismissing. You went up after Court adjourned here? Yes, sir. You remained there ten minutes? Yes, sir. How long were you gone before you went back? It could not exceed ten minutes. You were not there over twenty minutes? No, sir. When they dismissed did they march off in different directions? Yes; one company marched off down Brigham Street, another west of the building. When you went there did you command them to dismiss? No, sir. Did you see any women and children there? Yes, sir, there were a good many looking on, both women and children. Did you see any women and children in the ranks? No, sir. Were there not as many women and children as men there? Could not say. Did you see any flags there? Yes, sir. What kind of flags? My impression was that they were the "stars and stripes." Were they dressed in United States uniform? I don't know that I know the United States uniform. They had hats with plumes, swords, etc. Did you ever attend musters in the States? Yes, sir. Was this any different to them in any way? (Objected to by Maxwell). Judge Snow claimed to show its legitimate bearing, and that there was nothing done contrary to the laws of the United States. (Allowed to pass). In the States we are ordered out. I did not see anything different. Did you wear glasses on your face. I always wear them, and I believe I can discern a person with them as well as a person who does not wear them.

"*Re-examined by Mr. Maxwell:*—

"Describe the uniform of Mr. Ottinger, as to its marks and insignia? I was not near enough to recognize the shoulder strap. He had a blue coat, brass buttons, a black hat and a black plume. How many men were there in the ranks? (Question objected to, but allowed by the court) I guess there were a hundred. How many boys and women surrounding? Probably one hundred and fifty. How many women? I took but very little notice, there were a good many children. What was the conversation you had with Mr. Savage? As I came back I met Mr. Savage coming across. I spoke to him and said, 'You have got through?' He said 'Yes.' I then discovered that the band was composed of boys, and said, 'You have a young band?' He said, 'yes, that band, a year ago could not play a note.' There was a lot of boys with wooden guns, and he said they were going to have a drill. That was the substance of it.

"*George A. Black, examined by Mr. Maxwell:*—

"You are Secretary of this Territory? I am. You were present at the muster? Yes. What time was it? I judge it was about 10 o'clock. Will you state what you saw? I saw a number of men drilling. I should judge there were 300 They were armed and equipped with various kinds of guns, muskets and carbines. Do you know any of these men, can you recognize them? I can. Witness identified Mr. Philips, Mr. Charles Livingstone, Mr. Ottinger, Captain Burt and Mr. Graham. What were they doing particularly? They were going through the regular military drill. Did you notice the uniform these men wore, if so describe the uniform of Mr Ottinger? On his coat he had shoulder straps, a sword, a hat and black feather in it.

"*Cross-examined by Judge Snow:—*

"Where do you reside? In Salt Lake City. How long have you been here? Seven months the 27th day of this month. You said you were up in the 20th Ward, what time did you go there? About 11 o'clock. Have you any means of knowing the precise time? I have not, it was after 10 and before 12 o'clock. How came you to go there? I heard there was a drill up there. Are you acquainted with costume in the States? Yes, sir. The uniform was alike, with the exception of the hat. I never saw a Colonel wear a hat like Mr. Ottinger wore. What is the difference in head-dress? They usually wear a cap. Do they wear a feather? I never saw one with a feather in it. Have you ever been in the army? Yes, sir. Did you ever see a military officer wear a hat? I never did. Did you ever see them on dress parade? Yes, sir. What is the difference of dress parade and fatigue? When on dress parade they appear in full dress and when on fatigue they go around loosely. There were about 300 there? Yes, sir. How long did you remain there? Fifteen minutes at least. What did you do after the fifteen minutes expired? Turned round and came down town. Where were the men then? Still drilling. Did you see any of the men after? I did in the afternoon. You don't know what time they left? I do not. Nor how long they were there? No, sir. Did you see Mr. Keyes there? I did not. I saw him when I was coming back, when about half way between that place and the post office. Were you afoot? I was in a buggy, and Mr. Keyes was on horseback. Did you come tolerably fast? Not very, and he was riding on a slow lope. Did you see any women and children there? I did. A goodly number? Probably 15 or 20. There were a good many children I did not notice any women. Did you see anything disorderly there? No, sir. Any drinking? I did not. Did you hear any cursing? No, sir. All was order, quiet and peace? Yes, sir. Did you see any flag there? I did. I think it was the American flag. Don't you know that it was? I did not go up to examine it. I took it to be the American flag.

"*Cross-examined by Mr. Maxwell:—*

"What munitions of war did these men have? I noticed they had old muskets principally; some of them had carbines, and a number had cartridge boxes; the officers had swords."

The ruling of Judge Hawley is immaterial to the history; further than to note that he applied the section quoted, and passed the prisoners over to the Grand Jury on the charge of rebellion, Governor Shaffer's proclamation forming the groundwork of their "treason," "insurrection," "inciting to insurrection," etc.

But no Grand Jury ever found bills against these citizen soldiers of the Twentieth Ward, whose devoted officers remain under bonds to this day.

Indeed the case was supremely ridiculous, even farcical, hence all classes styled the affair, the "Wooden Gun Rebellion," by which name it will be perpetuated, with its suggestiveness marked.

## CHAPTER LVI.

THE TWO CELEBRATIONS OF THE FOURTH OF JULY, 1871. RESOLUTIONS OF THE GENTILE COMMITTEE ADDRESSED TO THE CITY COUNCIL. ANSWER OF THE MAYOR. THE RUPTURE. GRAND PREPARATIONS ON BOTH SIDES. PROCLAMATION OF ACTING-GOVERNOR BLACK FORBIDDING MILITIA COMPANIES TO MARCH IN THE PROCESSION. GENERAL DE TROBRIAND WITH HIS TROOPS ORDERED OUT. NOTES OF THE GRAND DAY.

The celebration of the 4th of July, 1871, gave a fitting culmination to the affairs of the past year, 1870.

Early in June the non-Mormons of Salt Lake City, who had heretofore taken prominent parts with the city authorities in the celebrations of the Fourth, and Twenty-fourth, took active steps for a grand celebration of the National birthday, of 1871, on their own account. But at the onset a spirit was manifested on both sides if possible to unite, whereupon a committee was appointed by the city council to confer with the non-Mormon committee relative to the matter.

On the 10th of June, the committee of the concil met the non-Mormon committee at the office of Col. Buell to consult. After a free exchange of views, it was ascertained that the committee from the city was not empowered to enter into any arrangements of a final nature; whereupon the subjoined preamble and resolutions were passed:

"*Whereas*, At a meeting for conference this day held by and between a committee appointed by many citizens of Salt Lake City, to make arrangements for the proper celebration of the coming Fourth of July, and a part of the committee appointed by the city council, it has become apparent that seperate programmes were likely to be adopted by the respective committees; and

"*Whereas*, It is desirable that harmony and unanimity should prevail in the celebration of the Nation's birthday on the broad platform of American citizenship and honor to the flag; therefore, be it unanimously

"*Resolved*, That the city council be and is hereby respectfully requested to authorize its committee, or in its wisdom appoint a new committee, to meet a like committee from the citizens already appointed, with full authority to confer, concert and adopt proper means to ensure, if possible, a single and harmonious celebration of the coming Fourth of July, irrespective of any and all action heretofore taken by either of the aforesaid committees.

"*Resolved*, That the chairman and Secretary of this meeting be requested to transmit, through the committee of the city council, a copy of these resolu-

tions to the Mayor and common council, and that this meeting adjourn to meet again on Wednesday, the 14th instant, at 10 o'clock a.m., at Col. Buell's office.

"GEO. L. WOODS, *Chairman.*
"GEO. R. MAXWELL, *Secretary.*

"SALT LAKE CITY, June 10, 1871."

Both committees exhibited a commendable spirit of conciliation, and a desire for complete harmony in arranging the preliminaries for a splendid celebration, which could be participated in by all classes and all sects.

In answer the following resolutions were transmitted by Mayor Wells to Governor Woods:—

"*Whereas*, the city council of Salt Lake City, according to usual custom, have appointed a committee of arrangements for the celebration of the 4th prox., who are deemed by them ample in number and fully competent in ability for the occasion; and,

"*Whereas*, said committee have already made considerable progress in organizing the citizen element for that event, without any apparent want of wisdom or energy to provide for the entire community in its most liberal demands, and in which all are invited to participate; therefore be it

"*Resolved* by the city council of Salt Lake City, that it is deemed unnecessary and, under the circumstances, unjust, either to set aside the present committee, or otherwise to interrupt the advanced state of their labors which might jeopardize the approaching celebration by the mass of the people, believing that we have through them provided liberal and ample provisions for all who desire to celebrate the anniversary of our nation's birthday."

"I certify the foregoing is a true copy of a Resolution passed by the city council, June 12, 1871.

"ROBERT CAMPBELL,
"*City Recorder.*"

The non-Mormon committee were highly indignant with the city authorities, and the Salt Lake *Tribune*, which had now fairly become the organ of the Anti-Mormon party, voiced the indignation and intention of its party on the occasion.

Ample preparations were made on the non-Mormon side to make their celebration worthy the day and themselves, in contradistinction to the celebration by the Mormon community. These preliminary arrangements having been made, the following was issued to the miners of the Territory.

"MINERS, ATTENTION!

"The miners of Utah have learned ere this from the columns of The Salt Lake *Tribune*, that the Mormon city council of this city, acting upon their old principle of participating in nothing unless they can be masters and dictators of the whole affair, have declined the offer of compromise extended to them by the liberal citizens of this place to participate in a Fourth of July celebration. They have also learned that the supporters of republican institutions in this Territory determined to maintain their independence of priestly dictation, have resolved to get up a celebration of their own worthy of the occasion, and of the cause which they represent.

"An appeal is now made to the miners of Utah to come in and assist the

patriotic citizens of this city, in celebrating the Declaration of our National Independence. Certain gentlemen associated with the mining interests in the various mining camps have been named as a miners' committee, who are requested to make such arrangements in their respective localities as will facilitate the coming in of our mining friends, and their participation in the celebration.

"The gentlemen named are requested to confer with the marshal of the day and the members of the committee on processions, so that suitable arrangements may be made for their representation in the procession.

"We cordially invite all our mining friends to participate in this first celebration of a double Independence, first from the despotic rule of Europe, and more particularly from the theocratic control of the Utah Priesthood.

"R. H. ROBERTSON,

"*Chairman of Committee on Invitation.*"

The friends of the Liberal Party of Corinne, Ogden and other cities were also addressed. As the day drew near for the celebration, an extraordinary interest was given by the issuance of the following from Acting-Governor George A. Black, forbidding the exercise of a part of the programme of the City Fathers in honoring the Nation's birth:

PROCLAMATION.

EXECUTIVE DEPARTMENT, SALT LAKE CITY, UTAH TERRITORY,
June 30, A.D., 1871.

"*Whereas*, His Excellency, the late Governor J. W. Shaffer, of the Territory of Utah, did by Proclamation, proclaim and declare as follows.

PROCLAMATION:

EXECUTIVE DEPARTMENT, SALT LAKE CITY, UTAH TERRITORY,
September 15, 1870.

Know Ye, That I, J. Wilson Shaffer, Governor of the Territory of Utah, and commander-in-chief of the militia of the Territory of Utah, do hereby forbid and prohibit all musters, drills or gatherings of Militia of the Territory of Utah, and all gatherings of any nature, kind or description of armed persons within the Territory of Utah, except by my order, or by the order of the United States Marshal, should he need a *posse comitatus* to execute any order of the court, and not otherwise.

And it is hereby further ordered that all arms or munitions of war belonging either to the United States or Territory of Utah, not in possession of United States soldiers, be immediately delivered by the parties having the same in their possession to Col. Wm. M. Johns, Assistant Adjutant General; and it is further ordered that should the United States Marshal need a *posse comitatus* to enforce any order of the Court, or to preserve order, he is hereby authorized and empowered to make a requisition upon Major General P. E. Connor for such *posse comitatus* or armed force, and Major General P. E. Connor is hereby authorized to order out the militia or any part thereof, as of my order for said purpose or purposes and no other.

Witness my hand and the great seal of said Territory at Salt City City, this 15th day of September, A.D. 1870.

J. W. SHAFFER, *Governor.*

Attest: VERNON H. VAUGHN, *Sec'y of Utah Terr'y.*

"Which by its terms, among other things did forbid and prohibit all musters,

drills or gatherings of any nature, kind or description of armed persons within the Territory of Utah, except by the order of the Governor of said Territory, or by the order of the United States Marshal, should he need a *posse commitatus* to execute any order of the court, and not otherwise, and

*Whereas*, one Daniel H. Wells, in violation of said proclamation and order of said Governor, did, on the 22d day of June, A. D., 1871, issue or cause to be issued the following order, to-wit:—

ADJUTANT GENERAL'S OFFICE, SALT LAKE CITY, U. T.,
June 22d, 1871.

SPECIAL ORDERS NO. 1.

1. The committee of arrangements appointed by the corporate authorities of this city, having asked for a detachment of the Territorial militia, with bands of music, to aid in the celebration, on the 4th proximo, of the 95th anniversary of our Nation's Independence, it is hereby ordered as follows:

2. The Commandant of Salt Lake Military District will detail from his district:

The martial and brass bands under their respective leaders.
One company of artillery with ordnance to fire salutes, etc.
One company of cavalry.
Three companies of infantry.

3. The detail will perform such service during the day as may be assigned to it by the committee of arrangements.

4. Good order is strictly enjoined. No fast riding is allowed within the limits of the city. By order of

LIEUT.-GEN. DANIEL H. WELLS.

H. B. CLAWSON, *Adjutant General.*

"*And, whereas*, there being no such officer recognized by the commander-in-chief of the military of this Territory as that of lieut.-general,

"*Now, therefore*, be it known that I, Geo. A. Black, Secretary of the Territory of Utah, and acting Governor thereof, and Commander-in-chief of the Militia of said Territory, do hereby make known to all persons whomsoever that the said military parade, under the said order of the said Daniel H. Wells, is strictly forbidden. And be it further known that it is hereby ordered and commanded, that all persons except United States troops, desist from participating in or attempting to participate in any military drill, muster or parade, of any kind, at any place within said Territory from and after this date, or until it shall be otherwise ordered and commanded by the Governor and Commander-in-chief of the militia of the Territory of Utah.

"Witness my hand and the Great Seal [L. S.] of the Territory of Utah, at Salt Lake City, this 30th day of June, A. D. 1871.

"GEO. A. BLACK,
"*Sec'y and Acting Governor and Commander-in-Chief of the Militia of Utah Territory.*"

The issuance of such a proclamation, on such an occasion as the celebration of the nation's independence, was construed as the greatest outrage that could have been offered to American citizens, as well as being un-American in letter and spirit. By citizen soldiers America's independence was won, and by their blood the fabric of the Republic was cemented; but here, in Utah, in 1871, an

Acting-Governor of the Territory, makes treasonable any practical remembrance, in the city's celebration, of the glorious fact, which for nearly a century had been America's boast, that her independence *was won by citizen soldiers*, in their heroic battles with the serried hosts of Great Britain's regular armies. The remembrance that the Fourth of July is supremely the citizen soldiers' *holy-day*, is as an epic of exalted patriotism going back, from the children who enjoy the inheritance, to the fathers who purchased it for them by their deeds and their blood, in the grandest and purest epic war known in all human history since earth was created. This was divine political gospel, uttered or expressed in action by an anti-Mormon party in their celebration of the Fourth of July, 1871, but was regarded as rank treason in the Mormon Pioneers of Utah, nearly every man of whom could truthfully say, "*our* fathers fought in the American revolution." The man, Daniel H. Wells—to whom the city's committee of arrangements applied for five companies of citizen soldiers to glorify the pageantry of the day—was a descendant of the illustrious Thomas De Welles, fourth Governor of Connecticut, who repeatedly served that Puritanic New England State as Governor, and commander-in-chief of the citizen soldiers who protected her commonwealth in her early days of Indian wars, as his descendant Lieut.-Gen. Daniel H. Wells had done in the early days of the Utah colonies.

Men of strong measures have asked, "Why, as commander-in-chief, did he not order out ten companies of this militia, to take part under his own commander-in-chiefship in this Fourth of July celebration?" If the militia had honored his call, then his signature—"Acting-Governor and Commander-in-chief of the militia of Utah Territory," would have shown some historical significance; had it not been so honored his proclamation would at least have been worthy to lay side-by-side with that of Governor Shaffer, while it would have given the Anti-Mormon side some ground to charge the Utah militia with incipient treason, or with possessing at best a spurious loyalty.

But the ridiculous phase of the episode was not worthy of mention in history, apart from its fatal inclining to tragic results. On this Fourth of July occasion, the Acting Governor, ordered out General De Trobriand with his troops, with a requisition to fire on the companies of militia, if they attempted to form in the procession, according to the order of Lieut.-General Daniel H. Wells.

This celebration of the National anniversary was the largest and most imposing ever witnessed in the interior. Davis, Weber, Box Elder and Salt Lake Counties were represented, and the greatness of the display was only equalled by the evident determination on the part of citizens to make it worthy of the day.

Thr great feature of the day was the grand procession, the divisions of which commenced taking up position before eight o'clock, and it was a quarter past nine before it was fully formed and commenced to move on the route indicated in the programme. The procession was a grand display, and occupied three-quarters of an hour in passing a given point. On the first division reaching the head of first East Street, it halted there until the three other divisions passed, when all proceeded towards the New Tabernacle, but hundreds had to turn back, being unable to obtain an entrance to that building of vast capacity.

The Tabernacle presented a very animated appearance. Thousands of juveniles from the schools, occupied positions in the centre; and in the front of the stands was a platform on which sat Columbia (personated by Miss Nellie Colebrook) with her attendant train of States and Territories. Among the strangers from the Pacific and strangers from the Atlantic were Hon. Elizabeth Cady Stanton and Susan B. Anthony, to see how the glorious Fourth was celebrated in Mormondom. There were at least thirteen thousand persons present.

In the absence of ex-Governor B. Young, the chairman of the day, Mayor Wells was elected chairman.

The assembly was called to order by Col. J. D. T. McAllister, Marshal of the day. The Star Spangled Banner was sung by the Tabernacle Choir, the Philharmonic Society and the combined city choirs with splendid effect, the audience joining in the chorus. The chaplain of the day, Apostle Orson Pratt, offered a fervent, patriotic prayer; Capt. Croxall's brass band next discoursed a selection from the "Grand Duchess;" Col. D. McKenzie read the Declaration of Independence; "Yankee Doodle" followed, by Capt. Beezley's martial band; and then came the Hon. George Q. Cannon with a magnificent oration, which was repeatedly and loudly applauded.

The "Anthem of Liberty" was next delivered by the superb voice of Mrs. Careless, accompanied by the full chorus. Hon. John T. Caine followed with a noble speech on "the day we celebrate;" the united schools, led by Mr. George Goddard sang "Lovely Deseret;" Mr. Alexander Majors addressed himself to the little chidren of "Deseret;" and Hon. Thomas Fitch of Nevada, crowned the occasion with one of his great speeches.

The non-Mormon procession formed in front of the Liberal Institute. Among the leading features of this procession were the fine band of the 13th infantry, a car with the Goddess of Liberty, and a bevy of young ladies, representing the States and Territories; carriages containing officials, citizens and guests; six wagons with ore and three of bullion; large receiving and distributing vans, representing the mercantile interests, and a number of decorated wagons. After marching the route indicated in their programme, the procession returned to the Institute and moved inside the building to participate in the exercises, which commenced with music from the band, whose fine performance swelled the enthusiasm of the occasion. Rev. G. M. Pierce offered prayer; T. A. Lyne read the Declaration of Independence; the choir sang the Star Spangled Banner; Nat Stein read a clever original poem; Gen. Geo. R. Maxwell delivered the oration of the day; A. M. Lyman delivered a noble discourse; Col. Jocelyn was eloquent on the subject of patriotism *versus* the Mormon religion; W. S. Godbe adorned the occasion with a speech abounding with patriotism toward the nation, and with brotherly feeling toward the Mormon people.

Next came Judge Toohy of Corinne in a speech remarkable only for its misstatements and abuse, in which he said that the town of Corinne had done more in two years for the material advancement of Utah than all the rest of the Territory had done in twenty-five years. In his malicious assault upon Mormon Utah he disgusted the Gentiles.

E. L. T. Harrison, of the "Church of Zion," held that republicanism was

theocracy defeated, and for theocracy to celebrate the natal day of republicanism was preposterous; they had assembled to celebrate the overthrow of theocracy as well as the anniversary of the nation's independence."

Major C. H. Hempstead made a few closing remarks and the Rev. Mr. Kirby offered the benediction.

Each side in this notable celebration ventilated its own special views and sentiments; but the grand day passed off peaceably, especially considering that Acting-Governor Black had ordered out U. S. troops to overawe the citizens. The five companies of militia marched in the procession without arms.

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## CHAPTER LVII.

LOCAL POLITICS. CAMPAIGN OF 1871. J. R. WALKER HEADS THE LIBERAL TICKET. FAIR PROSPECTS FOR THE LIBERALS. THEIR RATIFICATION MEETING. THE SUDDEN CLOUD. BREAK-UP OF THE MEETING. SPLIT IN THE LIBERAL PARTY. KELSEY'S PROTEST. WITHDRAWAL FROM THE TICKET. THE COALITION PARTY BURIED AT THE ELECTION.

The August election, in 1871, for awhile seemed most promising with opportunities to the Liberal Party; and in the suspended action of the courts, till the September term, it kept alive the public interest. Nor were the Federal authorities left out of the business. They, indeed, this year were the prime movers. Gov. Geo. L. Woods presided at the Liberal meetings; the Secretary of the Territory, George A. Black, had not forgotten the conspicuous part he had performed in his Fourth of July proclamation. U. S. District Attorney Baskin, and his assistant, Maxwell, were the political leaders, while it was known, so great was the interest of Chief Justice McKean in the campaign, that he would fain have taken the platform with Governor Woods at the ratification meeting, but for the sense of its unpardonable impropriety. The Governor of the Territory, though in his office properly the representative of the whole people, and not a section, could, however, with better grace show some political leaning, in the choice of members to the legislature of which he was the executive head. But, perhaps, no man in Utah was more deeply concerned in the vigor, unity and good showing of the campaign than Judge McKean; for it was evident that a strong unbroken opposition in the August election, assailing "polygamic theocracy," which in the September term he was about to bring into court for trial, would greatly strengthen his hands.

Thus stood the liberal side and cause, in July, 1871, while the ticket of the party for Salt Lake County was uncommonly good. It consisted of the following names: J. Robinson Walker, Samuel Kahn, Wells Spicer and C. C. Beckwith, for the council branch of the legislature.

That the People's ticket would win there was no question; but there were names on the Liberal ticket, which were respected by the managers of the People's party.

But the infinite stupidity of anti-Mormon malice brought down the bolt that split the Liberal party, and paralyzed its action, utterly for a year, just as the party was laying itself out for a year's vigorous campaign, to culminate in the contest for the delegate's seat in the general election in the fall of 1872.

At the ratification meeting, on Saturday, the 22d of July, the Liberal Institute was filled with citizens of all classes, to listen to the speeches of the leaders of the Liberal party, and to learn the principles and spirit which was to animate a contest headed by such representative men as J. R. Walker, Samuel Kahn, Wells Spicer, and C. C. Beckwith. There were many Mormon citizens present, with whom, perhaps, the opinion was held that with such respectable and conservative candidates the spirit of the opposition would not be rabidly anti-Mormon, but rather a legitimate citizens' contest.

The music of Camp Douglas band enlivened the spirits of the meeting, and added to the interest and promise of a happy evening to the party, after which the assembly was called to order by U. S. Marshal, J. M. Orr, and the following officers elected: president, Governor Woods; vice-president, Col. Warren; secretary, Mr. W. P. Appleby. The presiding officer in a few well chosen remarks, declined to take any part in the discussion, holding as he did an official position, which made it his duty to administer the law to all persons alike of whatever political party. He said, however, that he was at all times ready to join any class of citizens in any effort to built up republican institutions here in Utah, to develop the resources, promote the cause of education, and add to the prosperity of the entire Territory. He would gladly do this, not as a partizan, but as an American citizen. The opening by Governor Woods was well toned, but General Maxwell quickly broke the harmony of the occasion.

He opened his speech with the extravagant affirmation that "the supremacy of the law, the safety of life and property in Utah to-day, is owing to the Liberal party. The supremacy of the law was the first plank of the party laid down a year ago and that has been won. The second plank in that platform was the development of the mineral resources of the Territory and that has also become established as the settled policy of the people. The third was that polygamy was a crime. We said so then; we say so now, with this proviso, that the authorities of the United States first bring the leaders to punishment before interfering with their dupes."

Notwithstanding the extravagance of the statement that it was the Liberal party which had given to Utah the condition of "safety of life and property," and won for her people "the supremacy of the law," the statement was so flattering to the party vanity, that General Maxwell was "cheered to the echo," and the "golden opinions" which he had won in his contest for Delegate Hooper's seat in Congress had given him the voice of a leader of the party. But when he rudely assaulted the domestic relations of the Mormon community, declaring polygamy a crime as one of the planks of the party, a perceptible shock of anger and indignation ran over quite one-half of the audience. nor was the anger assuaged by "this proviso"

of the liberal platform "that the authorities of the United States first bring the leaders to punishment before interfering with their dupes." Had such principles and aims been laid down at the onset as the political platform, when Eli B. Kelsey ruled as the first chairman of the party managers, and Henry W. Lawrence for mayor of Salt Lake City headed their first ticket, the Liberal party would never have been born out of a coalition of Gentiles with seceding Mormon elders; nor would the party have possessed a Salt Lake *Tribune*, though the Godbeites had retained a missionary magazine; nor owned a Liberal Institute, in which anti-Mormon demagogues might outrage the Mormon community, and falsify the professions of good faith made by the Godbeite leaders in behalf of their former brethren and sisters of the Mormon church.

Although not endowed by nature with fine organic sensibilities, General Maxwell felt the rebound of the shock and in a rude way which was more aggravating than the original offence, he hastened to throw oil upon the troubled waters by saying he could "readily understand how a man may become so entangled in the meshes of polygamy as not to see his way out in justice to those depending upon him," and it was not for the Liberal party "to say those family ties shall be sundered at once, but no new relations of the kind shall hereafter be entered into," and then he climaxed the party fiat on the anti-polygamic plank with a blunt statement addressed to Kelsey, Godbe, Lawrence and other leaders of the coalition who had been "entangled in the meshes of polygamy," that the Gentile wing of the party had protected them as long as they could but now they would have "to give them up to justice."

The audience could see that during this assault upon the family relations of the Mormon people, Eli B. Kelsey sat on the platform like a caged lion, suppressing his wrath; but Maxwell, by this time under a full charge of anti-Mormon heroism, heard not, in his insensibility, the rumbling of the earthquake beneath his feet, but pushed fiercely on from the Godbeite polygamists to the city authorities and the police. On them he spent himself to his heart's content, and the Liberal party breathed again, for the vials of wrath were not now poured upon its own devoted head; and there was a sort of political common sense in calling down fire and brimstone upon the "corrupt party in power," for their "mismanagement of the city affairs," their "using up the people's taxes" and the employment of "Danites as policemen" to do the "murderous and dirty work of the Mormon church." The Liberal party could bear any amount of such talk; and General Maxwell sat down amid cheers having closed with the remark: "We may not succeed at this election, but we shall poll a vote that will astonish them."

Had the meeting closed at this point, the thunderbolt had not split the party; but Judge Toohy of Corinne, in answer to repeated calls, took the stand and the rumblings of the thunder were quickly heard. "Here in Utah," he said, "sensuality and crime have found a congenial home; here immorality has been lifted up where virtue ought to reign. If I had time I could prove the leaders, not the people, were to blame for this. The people of Utah were originally as good as as people elsewhere; but have they found freedom and equality in Utah? No; no more than in Turkey; less than in Ireland, and a great deal less than in any kingdom on the globe."

"The priesthood of Utah is not the priesthood of Jehovah, but the priesthood of the robber; not a priesthood for the good of the people, but a priesthood which builds palaces, every stone of which is stained with the blood of the innocent and wet with the tears of widows and orphans. On a recent occasion, in this hall, I stated I belonged to a certain church, but that the moment that church should attempt to raise its cross above the flag and law of the Nation, that moment church and cross would fall. A certain journal [the *Herald*] in this city, thereupon stated that if I was a Catholic I must be an apostate. I say in reply, that the man who wrote that paragraph lies, and there isn't a drop of blood running up or down his veins, that does not warm the carcass of a coward. After the breaking out of the rebellion in 1861, the first church in America on which the Federal flag was raised was the Catholic cathedral in Cincinnati, and the rope that raised it was held in the hands of the Archbishop himself. I was there upon the spot, and at that moment, here in Salt Lake, the editors of that paper and the people who read it were praying that the rebellion might succeed, and were only kept in subjection by the soldiers of Camp Douglas." He then launched out upon the mission of the loyal miners in Utah, but soon drifted back to polygamy, Catholicism and the Irish again, saying:

"The best blood of Europe has been seduced to come here to Utah, and bow down before a false shrine; all except the people of old Ireland, where the Catholic religion holds them true. Not an honest Irishman ever became a Mormon, not one. The Irishman who could become a Mormon and obey their priesthood—what flattery to call him a man."

These forcible but inelegant passages will show sufficient of the subject matter and style of Judge Toohy's speech at this fatal "ratification meeting." To the graphic pen of E. L. Sloan in the editorial columns of the Salt Lake *Herald* may be given the description of the strange "ratification" outburst that Maxwell and Toohy provoked. He wrote:

"Colonel Toohy as usual devoted his speech to a eulogy of the Catholic Church, without stating, however, whether he believed in the dogma of Papal infallibility. At this period in his diatribe, a gentleman with a small body but plentiful brains, called the speaker to order, demanding that he should confine himself to a discussion of the principle of the party and not obtrude his religious views upon the audience. This called forth a storm of applause and hisses, which at once demonstrated the piebald character of the assemblage. Col. Toohy proceeded but was again interrupted by Mr. Tullidge, when the latter gentleman was requested to "dry up" until the former had concluded and then take the stand. The Colonel soon subsided, having evidently exhausted his vocabulary of vulgar epithets, and Tullidge, with fire gleaming in his eye, mounted the rostrum and 'spoke his mind' very plainly, perorating with the remark that he was as much opposed to the theocracy of Rome as that of Salt Lake, and that he could not see difference enough to split between the Pope and Brigham Young. Cheers and hisses followed this utterance of Mr. Tullidge.

Several gentlemen, some of whom were present, were vociferously called upon to take the stand, but none responded—except Judge Haydon, who did so to offer as an apology for not speaking that it was neither his fight nor his funeral—

as each one was afraid of putting his foot in it. After repeated calls, Mr. Eli B. Kelsey appeared upon the platform, and then the fun which was fast when Tullidge collapsed became furious. He opened by remarking (alluding to the speeches of General Maxwell and Col. Toohy) that he was insulted; that in identifying himself with the liberal party he did not suppose that he was enlisted in a crusade against the Mormon people; and that he was disgusted with the vulgar abuse heaped upon them that night. He avowed himself a polygamist; said he would sacrifice his life rather than repudiate his wives and children, and hurled back to Col. Toohy the epithet 'hogs' which the latter gentleman had applied to polygamists. The speech throughout was accompanied by volleys of cheers and hisses and calls for Toohy, and at one time these demonstrations were so obstreperous as to call for the interference of Gov. Woods, who, in a few sensible remarks, succeeded in restoring order. Before the conclusion of Kelsey's speech, the dismay which the outbreak of Tullidge had inaugurated on the countenances of the gentlemen on the stand, deepened to funereal sadness, and an earnest consultation among them resulted in a resolution to adjourn to avoid the danger of further apostacy; and so they adjourned, although a majority of the audience favored the prolongation of the performance. The Liberal party is dead, disembowelled by its own hand."

Immediately after this fated ratification meeting of the Liberal party, Mr. Beckwith repudiated his nomination on their ticket, while the best men of the party were disgusted with the rank anti-Mormon malice manifested by those who were aspiring to represent the citizens of Utah in the Legislature of the Territory and in the Congress of the United States. Mr. Walker and his personal friends were particularly chagrined and quite as much outraged as the Mormon people themselves, among whom they had been raised and between whom there still remained much sincere good will. Eli. B. Kelsey in a letter to the *Tribune* said:

"The spirit of the proceedings in the mass meeting of the Liberal party, held on Saturday, the 22d instant, convinced me that a portion of those who assume to lead are bent upon a war upon the people of this Territory on social and religious grounds. They did not disguise the fact that they utterly ignored the necessity of affiliating with the reform party in Utah in their efforts to bring about a peaceful solution of the questions at issue between the Mormon priesthood and the Government of the United States. The reform party have persistently striven to convince the people that they are their friends and not their enemies. Every word of the blatant demagogue who slandered the people of Utah in that meeting convinced me that the small but active element that seeks control of the Liberal party is filled with bitterness and would fain inaugurate a social and religious war upon the people of this Territory. J. Robinson Walker and Samuel Kahn, who are the nominees of the convention of the Liberal party for Salt Lake County are men who are almost universally known throughout the Territory. They are men whose past record is above reproach or suspicion, and I am sure that they will never do other than work for the best interests of the whole people. As for myself I am as free from the control and dictation of parties political as I am from that of parties ecclesiastical. I have frequently borne witness to the integrity of the Mormon people; their fidelity to their religion; their morality, industry and

sobriety; and no party which harbors designs against the peace and welfare of the people of Utah shall ever have my co-operation.

"I have neither time nor inclination, at *present, to go into a full explana*tion of my ideas on marriage. I will, however, say that although willing to pledge myself not to extend polygamy, in violation of the expressed will of the nation, I will never consent to obey an *ex post facto* law. To let bygones be bygones is the policy which, I am sure, the wisdom of the nation will approve.

"If there are individuals who aspire to the leadership of the Liberal party in Utah, I hope they will have the wisdom to avoid the framing of an iron bedstead upon which to measure the people,—stretching these who are too short, and lopping off the extremities of those who are too long. I trust that they will remember that the Mormons are a hundred thousand strong in Utah; that they are a fruitful people, and that it is not at all improbable that the number of young men and women who will attain to the age of twenty-one years and enjoy the rights of franchise every year hereafter, will at least equal the number of outsiders that the mining interests will draw hither. Any man aspiring to political leadership who is so dull as not to understand the necessity of living so as to be worthy of the confidence of, and affiliating with, this growing element of strength in Utah, as they shall free themselves from the dogmatic faith of their fathers, is a man of too thick a skull for a successful politician. My advice to the nominees of the convention is not to withdraw, by any means, but to issue a card clearly defining their position, and run for the offices for which they have been nominated, party or no party, I will pledge them my vote if they will do so."

Mr. Walker and his colleagues did not issue the card suggested, but in their stead the Salt Lake *Tribune* gave the better mind of the party and a severe rebuke to the Anti-Mormon ring. It said:

"The Liberal Party of Utah has a noble mission—one worthy the best efforts of the best men of the Territory. The questions at issue come home to the people, and should therefore be considered calmly, carefully and dispassionately. Narrowness, uncharitableness, bitterness and prejudice should be banished from the party councils, and denied a hearing in the public meetings. Fairness, firmness and moderation should characterize every act of every man who assumes to speak as a representative of the party. We want no cliques among the Liberals in this campaign, and no leaders—self-constituted or otherwise—who appeal to the passions and prejudices of the people. The party has quite enough to attend to in opposing the rule of the Church over political affairs, without spending time and fomenting dissensions in its own ranks by useless opposition to particular institutions of the Church. We can oppose the union of church and state without stopping to quarrel about church doctrines. Polygamy is a social if not a religious institution of the Territory, and it is established in such a manner that it can not be suddenly extirpated.

"Neither is there any necessity for such violent measures. It is an institution which, if let alone, will die of itself, for the simple reason that it is not in harmony with its present surroundings. It needs no opposition. On the contrary persecution will but serve to prolong its life. Having the good of the Liberal party at heart, and ardently desiring its success, we here protest against the at-

tempts some weak, misguided men are making to force this political organization into a raid on the domestic institutions of the Territory, an object entirely foreign to its original design and present desire of nine-tenths of those who organized and now compose the Liberal party of Utah. The party has legitimately nothing to do with the social questions, and with religious questions nothing further than to oppose the union of priestly with political rule.

"It is not long since one of the mischief-makers proposed to rule out of the Liberal party all who are connected with polygamy, however honestly and innocently they may have entered into such relations. We felt then like rebuking this self-constituted censor—this would-be dictator of a party whose liberality of purpose, his contracted mind is incapable of comprehending—but we refrained out of regard to what we believed to be party policy. We ignored the existence of such a disturbing element, in hopes that we should hear no more of it, but every day has added to the utterances of this disorganizer, and at last his captious course has resulted in the withdrawal of a portion of our party ticket. If he had been an open and avowed enemy he could not have so injured us. Private appeals and friendly requests having been of no avail, we feel compelled at last to give public utterance to this earnest protest against the course that has been so persistently pursued."

But these efforts were in vain. The coalition, formed by ex-Mormon Elders and radical Gentiles, had been an utter failure. The party had professed a political mission for the good of Utah, and not its disturbance and ruin, and had even offered itself to the Mormon community as a natural reconciler between them and the nation at large; and it was fondly hoped by, at least some of those seceding Elders, that this party would use its influence and efforts with the government and Congress, to temper their policy and measures, with much consideration and humanity, in the expected legislation to be applied to the Mormon people. The sacredness and integrity of existing family relations was the first plank of their platform; and even Maxwell, in his characteristic way, had admitted as much as the original compact of the coalition, at the same time that he and his class were outraging every polygamous family relation in Utah, and making a raid, not only in the courts, but now in their political campaigns upon the religious and domestic institutions of the whole Mormon community. From the moment that this fact became demonstrated, as it was by the late ratification meeting, the compact between these seceding Elders and the Gentiles ceased; and the coalition party died —"disemboweled," as the Salt Lake *Herald* said, "by its own hand." It never could be resurrected Thenceforth the Liberal party was clearly an anti-Mormon party. The example of that year gave the lesson for all time to come, in our local politics, that no body of Elders coming out from the Mormon church, can unite in action with an anti-Mormon political party. Mormon Elders have shown that they have hearts, brains, stiff-necks, and that they are not easily to be captured; and whatever may be their change of mind towards scepticism, or their transition to individualism, they are not apt to allow the people whom they converted, and to whom they have stood as fathers, to become the prey of anti-Mormon wolves. Such was the historical example of our local politics of the year 1871; and it will explain why no more acquisitions of voters from Mormon seceders have joined the Liberal party.

In vain the party tried to recover itself on the election day. More ill-omened the day and blacker in its prognostications than even the ratification night; for there were not only many who withheld their votes, who had belonged to the Liberal coalition, but some who openly renounced the party at the polls, and voted with their old Mormon brethren the straight People's ticket.

At the election of August, 1871, the coalition party was buried. Maxwell had said: "We may not succeed at this election, but we shall poll a vote that will astonish them." The following shows the result of the election for councilors to the Legislative Assembly for Salt Lake, Tooele and Summit Counties: Wilford Woodruff, 4,720; George Q. Cannon, 4,719; Joseph A. Young, 4,714; William Jennings, 4,714; S. Kahn, 620; J. Rob. Walker, 616; D. E. Sommers, 614; W. Spicer, 608. The campaign was crowned with the predicted astonishment.

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## CHAPTER LVIII.

HISTORY OF THE JUDICIAL ADMINISTRATION OF JAMES B. McKEAN AS REVIEWED BY U. S. DISTRICT ATTORNEY BATES. THE CHIEF JUSTICE HARANGUES THE GRAND AND PETIT JURIES ON THE "HIGH PRIESTHOOD OF THE SO-CALLED CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS," AND SENDS THEM HOME FOR LACK OF FUNDS. A REMARKABLE DOCUMENT. THE PRESS OF THE COUNTRY ON THE ANOMALOUS CONDITION OF McKEAN'S COURT.

The history of the judicial administration of James B. McKean, Chief Justice of Utah, during its most critical period, would form one of the most extraordinary chapters of the whole history of the British and American jurisprudence of the last three centuries. It was so striking and uncommon that some of the American journalists spoke of it as a suggestive reminder of the administration of Chief Justice Jefferies of England, during the reign of James the VI. Whether deserved or not, it fell to the lot of James B. McKean to be actually dubbed the "modern Jefferies," much both to his indignation and grief; for whatever might be the opinion of those who condemned him, he believed himself to be an upright and merciful judge in whose administration there was no particle of malice. Not to justify or condemn the man, but to record and review the administration of his court, from the year 1870 to 1875, is the purpose of these judicial expositions.

George Cæsar Bates, U. S. District Attorney for Utah, during a portion of McKean's time, and who in fact, by his strong dissent provoked his own removal from office, has made a very able review of the McKean period and its subject. He wrote: "The events to which allusion is made occurred during the years

1870-1-2-3-4, and in the spring of 1875, finally culminating in the removal of Chief Justice McKean from an office which he had disgraced and abused in a manner to which the world can furnish no parallel. Appointed through the Jesuitical influence of the Methodist Church, and sustained by the combined bigotry of the land, his downfall only came through the sheer recklessness of his despotic and brutal career.

"A careful search of the records will reveal how, through such instrumentalities as those of packed grand and petit juries, a corrupt judge, a pretended United States district attorney, appointed by that judge, and the State's evidence of an atrocious murderer, who purchased his own immunity from justice by his perjury, it was intended to consummate the judicial murder of Brigham Young, Mayor Wells of Salt Lake City, Hosea Stout, Joseph A. Young and other leading Mormons, on charges the most absurd and untrue.

"Chief Justice McKean and his co-conspirators had their plans apparently well laid, but 'man proposes, God disposes.' Chief Justice Chase and his associates, inspired by the God of justice, stepped in at the last moment, overwhelmed the enemies of the Mormons, and scattered to the winds their unrighteous machinations. Before we present the proofs, however, from the records of this most remarkable providential interposition to arrest the hands of those would-be judicial murderers, we will give an analysis of the laws bearing upon the case, as expounded by the Supreme Court of the United States.

"In the case of Dred Scott, Chief Justice Taney said:

"'But the power of Congress over the person or property of a citizen (in a Territory), can never be a mere discretionary power under our constitution and form of government. The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen clearly defined, and limited by the constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it; and it cannot, when it enters a Territory of the United States, put off its character and assume discretionary or despotic powers which the constitution has denied to it. It cannot create for itself a new character separated from the citizens of the United States, and the duties it owes them under the provisions of the constitution. The Territory being a part of the United States, the government and the citizen both enter it under the authority of the constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property, beyond what that instrument confers, nor lawfully deny any right which it has reserved.'

"A reference to a few of the provisions of the constitution will illustrate this proposition.

"For example, no one, we presume, will contend that Congress can make any law for a Territory, respecting the *establishment of religion* or the *free exercise thereof*, or abridging the freedom of speech or of the press, or the right of the

people of the Territory peaceably to assemble, and to petition the Government for the redress of grievances. *Nor can Congress deny to the people the right to keep and bear arms, nor the right to trial by jury*, nor compel any one to be a witness against himself in a criminal proceeding.

"'These powers and others in relation to rights of person, which it is not necessary here to enumerate, are, in express and positive terms, denied to the general Government; and the rights of private property have been guarded with equal care. Thus the rights of property are united with the rights of person, and placed on the same ground, by the fifth amendment of the constitution, which provides that no person shall be deprived of life, liberty and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offense against the laws, could hardly be dignified with the name of 'due process of law.'

"'So, too, it will hardly be contended that Congress could by law quarter a soldier in a house in a Territory without the consent of the owner, in time of peace; nor in time of war except in a manner prescribed by law. Nor could they by law forfeit the property of a citizen, in a Territory, who was convicted of treason, for a longer period than the life of the person convicted; nor take private property for public use without just compensation.

"'The powers over person and property of which we speak are not only *not* granted to Congress, but are in express terms denied, and Congress is forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the constitution gives power to legislate, including those portions of it remaining under Territorial government, as well as that covered by State government. It places the citizens of a Territory, so far as these rights are concerned, *on the same footing with citizens of the States, and guards them as firmly and plainly* against *any inroads* which the general Government might attempt, under the plea of implied or incidental powers. And if Congress itself cannot do this—if it is beyond the powers conferred on the Federal Government—it will be admitted, we presume, that it could not authorize a Territorial government to exercise them. It could confer no power on any local government, established by its authority, to violate the provisions of the constitution.'

"Now let us see what Chief Justice Chase said in the Englebrecht decision.

"'The theory upon which the various governments for portions of the Territory of the United States have been organized has ever been that of leaving to the inhabitants all the powers of self government consistent with the supremacy and supervision of national authority, and with certain fundamental principles established by Congress. As early as 1784, an ordinance was adopted by the Congress of the Confederation, providing for the division of all the territory ceded, or to be ceded, into States, with boundaries ascertained by the ordinance. These States were severally authorized to adopt for their temporary government the constitution and laws of any one of the States, and provision was made for their ultimate admission, by delegates, into the Congress of the United States. We

thus find that the first plan for the establishment of governments in the Territories authorized the adoption of State governments from the start, and committed all matters of *internal legislation* to the *discretion* of the inhabitants, unrestricted otherwise than by the State constitution originally adopted by them.'

"This ordinance, applying to all Territories ceded or to be ceded, was superseded three years later by the ordinance of 1787, restricted in its application to the territory northwest of the river Ohio—the only territory which had been actually ceded to the United States.

"It provided for the appointment of the governor and three judges of the court, who were authorized to adopt, for the temporary government of the district, such laws of the original States as might be adapted to its circumstances. But as soon as the number of adult male inhabitants should amount to five thousand, they were authorized to elect representatives, who were required to nominate ten persons from whom Congress should elect five to constitute a legislative council; and the House and Council thus selected and appointed were thenceforth to constitute the Legislature of the Territory, which was authorized to elect a delegate to Congress, with the right of debating, but not of voting. This Legislature, subject to the negative of the Governor, and certain fundamental principles and provisions embodied in articles of compact, was clothed with the full power of legislation for the Territory.

"In all the Territories full power was given to the Legislature over all ordinary subjects of legislation. The terms in which it was granted were various, but the import was the same in all.

"The doctrine, in the early days of this Government, was that the people who scattered themselves over the Territories, who encountered the Indians, and who built up towns, cities and villages in the Territories of the United States, and erected railroads and telegraphs, should be a State *ad interim*.

"This same doctrine was adopted by Congress in 1850; when General Cass in the great discussion on the compromise bill,—when for the first time in the history of our Government, Calhoun and his pro-slavery friends, for the purpose of extending slavery into Territories then free, assumed and declared that Congress could interfere with the *domestic relations* in Territories—replied: 'During the pendency of the Territorial government they should be allowed to manage their own concerns in their own way. Does not slavery come within this category? Is it not a domestic concern? Is not that the doctrine of the South—of common sense indeed? No Territorial government was ever established which had not power to regulate the domestic relations of husband and wife, of parent and child, of guardian and ward; and if the inhabitants are competent to manage these great interests, and indeed the interests belonging to all the departments of society, including the issues of life and death, are they not competent to manage the relation of master and servant, involving the condition of slavery?'

"A prominent journal, in discussing the point, said: 'To us it appears that, from the earliest times, the policy has been to leave all matters of internal legislation to the Legislative Assembly, as soon as there was one in a Territory of the United States. The only deviation to be found from this rule was when the agitation about slavery prompted attempts at exceptional provisions for or against it.

It was at the very time that Utah was erected into a Territory that adverse pretensions on the subject of slavery in the Territories received a quietus, in the measures of 1850, advocated by Clay, Webster, Douglass, Cass and other eminent statesmen. They framed and advocated the several acts, among them the act organizing Utah, by which, without proscribing slavery or protecting slavery, the matter was left to the people of the Territory, like all other local subjects, and with the best results. Slavery never was introduced into either New Mexico or Utah, both organized on the same principle of leaving all domestic institutions to the local law. General Cass, in the debate on the subject, gave its true history, as above quoted.

"Congress, in 1850, acting on this theory of the entire separation of all the duties and acts of the United States officers in Utah from those of the Territorial officers thereof, in enacting the organic act for Utah, had provided by sec. 10, as follows:

"'There shall be appointed for the District of Utah a United States District Attorney, who shall continue in office four years unless sooner removed by the President; and who shall receive the same pay and emoluments as the attorney of the United States for Oregon; and there shall also be appointed a United States Marshal for the Territory of Utah, who shall execute all processes issuing from said courts, when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the same duties and be subject to the same pay as the Marshal of the present Territory of Oregon.'

"The duties of the United States District Attorney for Utah are thus defined by the act of Congress of Sep. 24th, 1819, sec. 35, vol. 1, U. S. Stat. at Large:

"'There shall be appointed in each district a person learned in the law to act as the attorney of the U. S. in such district, who shall be sworn, etc.; and whose duty it shall be to prosecute in such district all delinquents for crimes or offences cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except in the Supreme Court.'

"And by the 2d sec. of the same act, the duty of United States marshals are thus defined:

"'It shall be their duty to attend the district and circuit courts, when sitting and to execute, throughout their districts, all lawful processes directed to them, and issued under the authority of the United States.'

"By the same organic law of Utah it was provided: 'That the first six days of every term of the Territorial district court, or so much thereof as shall be necessary, shall be appropriated to the trial of causes under the law of the United States;' and during those six, or any other days, when the courts were engaged in enforcing the laws of the United States, the U. S. marshal and district attorney performed precisely the same duties as the same officers would do in the Federal courts, in the States of the Union.

"The Territorial Legislature, to enforce Territorial laws, had, on March 3d, 1852, provided by statute for the election of a Territorial marshal and attorney-general, by a joint vote of both branches of the legislative council, by which all the duties of the attorney-general were thus defined. 'To attend to all legal business on the part of the Territory before the courts, where the Territory is a party,

and prosecute Indians accused of crimes, in the district in which he keeps his office, under the laws of the Territory of Utah.' And the duties of Territorial marshal were declared to be 'to execute all orders and processes of the Supreme and District courts of the Territory, in all cases arising under the laws of the Territory.'

"This latter statute had been affirmed by Congress, for over 22 years, by its tacit approval thereof—and so had become, to all intents, the law of Congress itself.

It will thus be seen that, by the acts of Congress, the duties of U. S. district attorney and marshal for Utah were precisely the same as those in all the States of the Union, while the offices of Territorial attorney-general and marshal, were the same as those of attorney-general and sheriff of the several States.

"Under this state of things the conspirators deemed it necessary at the outset to get rid of the Territorial marshal and attorney-general, and vest their duties in the United States marshal and district attorney. They also wished to nullify the statutes of Utah, providing for the drawing and impaneling of grand and petit jurors, as they could not otherwise use the courts as instrumentalities for the destruction of the Mormons.

"The first move in this direction was made in 1870, in the proceedings of Chas. H. Hempstead, U. S. District Attorney, against Zerrubbabel Snow, Attorney-General of Utah, the result of which was that Snow was removed from office, and his duties devolved upon Hempstead, in violation both of the laws of Utah and of the United States.

"At the same time a similar course was taken by Hempstead, against the Territorial marshal, John D. T. McAllister, which ultimated in the removal of that officer and the assumption of his duties by J. M. Orr, U. S. Marshal.

"So long as these absurd decisions remained unreversed by that of the Supreme Court of the United States, which, in the case of Snow *vs.* Hempstead, was finally done in October, 1873, the governmental machinery of Utah was held in the hands of the United States judicial officers, who made use of their power to vex and punish the Mormons for pretended offenses.

"This was done by means of packed juries, perjured witnesses, and prosecutions conducted by men who were alike ignorant and regardless of law. During the period embracing the years 1870 to 1873, until the United States Supreme Court overruled McKean, and decided that it was 'Snow's duty to prosecute all those persons charged with crimes against the statutes of Utah, and McAllister's duty to draw and impanel all grand and petit jurors,' the United States had expended in this direction over $30,000, and President Young and some sixty to eighty of his people had been illegally indicted for alleged crimes of every name and nature, had suffered many months of false imprisonment at Camp Douglas and in the jails of Salt Lake City and County, and had paid to attorneys and witnesses many thousands of dollars.

"The second step on the part of the conspirators was a process entirely ignoring and blotting out the statutes of Utah in regard to procuring grand and petit juries for district courts, and enabling Marshal Patrick to select as such jurors any persons whom he might choose, the selection in every case being made, of course, from the most bitter and malignant enemies of the Mormon people.

"*Pendente lite*, Hempstead resigned the office of U. S. District Attorney, and Justice McKean appointed R. N. Baskin to succeed him in an office which no one has any right to fill unless nominated by the President, and confirmed by the Senate of the United States. It was not until November, 1871, that the lawful successor of Hempstead was appointed by Grant. At this juncture of affairs a collision between the judicial authorities of Utah and the Mormon people seemed inevitable. Great alarm existed all over the United States as well as in Utah. But these gross perversions of law, and Justice McKean's wild and extraordinary charge to the packed grand jury, aroused the public mind; and the Administration at Washington was spurred to action.

"Meantime, the illegally-appointed U. S. Attorney, Baskin, had drawn and signed various indictments, which were presented and filed in court by the illegal grand jury, and a very large number of leading Mormons and officers, including the Mayor of Salt Lake City, were arrested and placed in close confinement at Camp Douglas under a military guard commanded by Lieut.-Col. Henry Morrow. This officer had superseded his predecessor, Col. De Trobriand, through the influence of McKean and Doctor Newman, simply because the Colonel had refused to consent to fire upon the Mormon people on the 4th of July, if ordered to do so by the Secretary of the Territory of Utah.

"'Bill' Hickman, who had been cut off from the Mormon Church for his crimes, was one of the persons so indicted, and being promised immunity if he would turn State's evidence and swear against President Young and his people, confessed to the new district attorney that he had murdered eighteen persons in cold blood. His confinement, however, was merely nominal."

Here we must leave Mr. Bates' review to circumstantially record the proceedings of the court, and to give full expansion to the history of those times, as it really constituted the great vein of the history of Salt Lake City, from the arrival of James B. McKean, in the summer of 1870, to the date of his removal in April, 1875.

The Chief Justice and his coadjutors had triumphed in the opening of their plans of prosecutions, setting aside the Territorial attorney-general and Territorial marshal; and all seemed straight before them, to push the prosecution quickly and vigorously through to the designed issue—which was the conviction of every one brought into court of the class of which Brigham Young was chief. But the Territorial Legislature, which was in session in the winter of 1870-71, made no appropriation for the payment of the expenses of the courts. The Legislature in fact was outraged, by this violence done to its original enactments relative to the judiciary, and the forcible abolishment of the officers which it had created for the Territorial business. This had been done without any act of Congress, and the Territorial legislators held the opinion that the business of the courts, which was about to be done under the McKean regime, would be illegal, and that it would be so pronounced, and declared null and void, when it came before the Supreme Court of the United States, to which it had been already appealed. This opinion was strongly maintained by the deposed attorney-general of the Territory, Judge Zerubbabel Snow, and he was the proper adviser of the Legislature in this matter. Very properly therefore, the Legislature refused to make appropriations from the Territorial funds for the payment of illegal business.

In the March term of 1871, there was a deadlock in the Third U. S. District Court. No further business could be transacted in consequence of the lack of funds to carry on the prosecution; which brought forth the following most remarkable document, read to the juries by the Chief Justice with great bitterness of spirit.

Here is the record of the court:

"*Territory of Utah, in Third District Court, March term, 1871, Salt Lake City.*

"Chief Justice McKean, at the opening of the court, ordered the grand and petit jurors to be called and then said:

"'Gentlemen of the grand and petit juries, I am not about to deliver a charge to you, but I am about to send you to your homes. It is right that you should know why. The reason is this: The proper officer of this court has no funds with which to pay you the per diem allowance which will be lawfully yours if you serve as jurors, nor has he the funds with which even to pay your board. I do not think it right to detain you here without compensation and at your own expense. You may like to know the cause of this anomalous state of affairs. You shall know. As the law now stands, the per diem allowance of the members, and other expenses, of the Legislative Assembly of this Territory, are paid out of the United States Treasury, while that Legislative Assembly is left to provide for paying the per diem allowance of jurors, and other expenses of the United States courts, while transacting the judicial business of the Territory. I am not commenting on the wisdom or unwisdom of such a policy, I am simply stating the fact. The United States Treasury promptly pays the Legislative Assembly, but the high priesthood of the so called 'Church of Jesus Christ of Latter-Day Saints, who control the Assembly and all the officers of, or who are elected by the Assembly, refuse to permit the expenses of the United States courts to be paid, unless they are allowed to control these courts. The high priesthood, acting through their agents, passed an ordinance requiring the ballots at elections to be numbered, and the same numbers to be written on the poll list opposite the names of those who vote the ballots; thus enabling them to ascertain how every elector votes, and to keep a record of the same. Under this system none but the candidates of the high priesthood are chosen to the Assembly, and the presiding officers of the two houses of the Assembly are always high functionaries of the so-called Church of 'Jesus Christ of Latter-Day Saints.' This Assembly has elected one of its favorites a marshal, and another a prosecuting attorney, and sent them into the United States courts, the former to summon the grand and petit jurors and serve process, the latter to take charge of criminal business before the grand and petit juries. But this district court has held, and the supreme court of the Territory has affirmed the rulings, that these so-called officers cannot be recognized by these courts, and that the United States attorney and the United States marshal, appointed by the President and confirmed by the Senate of the United States, are the proper officers of these courts. But the high priesthood of Utah hold different theories in regard to legal and governmental affairs. A few months since, in the presence of thousands of the people, and surrounded by the highest officials of the so-called 'Church of Jesus Christ of Latter-Day Saints,' one of the high priesthood, and I heard him say: 'There is not in the

Federal Constitution the dotting of an i, nor the crossing of a t, giving any Federal officer any right to be in this Territory Congress had no right to pass any act to organize this Territory, and the Organic Act is a relic of colonial barbarism. The Federal officials are usurpers, and have no business here.'

"Gentlemen of the grand and and petit juries, I am a Federal official in Utah; I apologize to nobody for being here; I shall stay so long as I choose, or so long as the Government at Washington shall choose to have me here; and I shall venture the prediction, that the day is not far in the future, when the disloyal high priesthood of the so-called Church of Jesus Christ of Latter-Day Saints, shall bow to and obey the laws that are elsewhere respected, or else those laws will grind them to powder.

"Gentlemen, one of the consequences of the decisions above referred to of the United States courts in Utah, is that already several men in high positions in the so-called Church of Jesus Christ of Latter-day Saints, have been indicted for high crimes, some of them for murder; another consequence is, that enterprising men in large numbers, and capitalists of large wealth, have come into the Territory to embark in business pursuits, believing that even-handed justice would now be done them. It is an important fact, that while for about twenty years there has been a considerable population in this Territory, not only has not the great mineral wealth of Utah been developed, but the fact of its existence has, until recently, been concealed from the world outside of Utah. Now this mineral wealth is just beginning to be developed. And here, as everywhere among great business enterprises, there is much resort to the courts for the adjustment of conflicting interests. There are now on the docket of this court, awaiting trial, cases involving millions of dollars.

"And now, gentlemen, the high priesthood of the so-called Church of Jesus Christ of Latter-day Saints, demand the right to select and summon the grand and petit jurors, who are to try all criminal and civil Territorial cases in this court; and demand that officers selected by them shall take charge of all such business in this court. And, gentlemen, because this court refuses to surrender itself into their hands, they refuse to pay your just allowance or to defray any of the expenses of this court. It is not just that you should be kept here at your own charges, and I will not keep you. But, gentlemen, do not misunderstand me. There is to be no surrender to unwarrantable exactions. The Government of the United States is not accustomed to being thwarted; and while those who represent it in Utah may be hindered, they will not be defeated. Let it not be doubted that after a pause in the path of duty, they will again resume their line of march with renewed energy. Gentlemen of the grand and petit juries, I thank you for your attendance, but I will not detain you. You are adjourned *sine die*."

The journals of the country gave considerable space to the discussion of the state of affairs in McKean's court, and even the great journals of England manifested an interest in the matter; but though there was manifested a general desire and aim in the country to deal with polygamic Utah, the soundest journals early confessed that Judge McKean was pursuing illegal methods to reach the desired end, and that the deadlock in his court was the logical sequence of his own course. The Carson *Register*, commenting on the situation, said:

"The Sacramento *Record* is very indignant at the Mormons because Judge McKean of Utah adjourned the district court for the reason that no compensation had been provided for jurors. The *Record* evidently does not understand the matter. McKean is a violent and unscrupulous judge, who appears to have more of a mission to stir up bad blood in Utah and raise a disturbance so as to justify the interference of the Federal Government, than to administer the law according to his oath and ability. In a case before him he ruled that the district court was not a Territorial court, but an United States court—that there is no such court as a Territorial district court. The decision was absurd, being in the teeth of all the statutes and decisions since the foundation of the Government. It was made in order to break down the Mormons, law or no law. If his court is a U. S. Court, of course, the United States is bound to pay its expenses—the Territorial treasurer has no authority to disburse money out of the Territorial treasury to pay jurors. Judge McKean was simply caught in one of his own traps. Like every man who deviates from trodden paths of precedent and law, he is liable to get scratched with legal briars, and to break his neck over unknown principles."

The New York *Herald*, of the fourth of July, under the head "Utah Troubles,' contained a resume of Utah affairs, preparing its readers for expected difficulties in Salt Lake City at the celebration, which was the subject of a former chapter. Starting with the proclamation of Governor Black, it touched upon the history of the militia of this Territory, bringing it down briefly to the proclamations issued by Governor Shaffer, and thus summed up the militia branch of its review:

"With the knowledge of all these facts, the proclamation of Acting-Governor Black seems like seeking a quarrel, and is doubtless the result of evil counsellors. Had the order of General Wells been as before—for musters, drills, etc. —the reproduction of Governor Shaffer's proclamation would have probably been in order, but to apply it in forbidding citizen soldiers to take part in a military capacity in a procession of mechanics, artisans, laborers and school children, in honor of the nation's birthday, the same as will be done all over the Union, looks doubtful on the side of wisdom."

Touching the judicial branch of the "Utah troubles" the New York *Herald* said:

"Judge McKean has done in law what Governor Shaffer did in politics; but McKean has lived on and been humbled and defeated. The Federal judges had the same experience as the Federal Governors, and nearly all of them have done their grumbling but to no effect. McKean was determined to tackle it, and refused the recognition of the Territorial marshal and attorney, as Shaffer did the Territorial Nauvoo Legion and its lieutenant-general. But the judge comes to grief for the moment. He held his court with the United States officers; but the United States treasury would not honor the marshal's drafts for the expenses of the court, virtually acknowledging that the Mormon interpretation of the question was correct. Here is the chief justice of the Territory of Utah, a gentleman of earning, ability and moral character, completely baffled and smarting terribly

under his defeat. He had essayed to do something and had failed. Not for the want of physical support, for the United States army and all the volunteers that could be called for would have rushed to sustain him, but he failed because he could not sustain himself as the law stood."

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## CHAPTER LIX.

THE U. S. MARSHAL PREPARING TO RECEIVE PRISONERS. ACTION AGAINST THE WARDEN OF THE PENITENTIARY AND THE TERRITORIAL MARSHAL. HEARING OF THE CASE BEFORE JUDGE HAWLEY. FITCH AND BASKIN. THE U. S. ATTORNEY PREFERS THE GUNS OF CAMP DOUGLAS TO THE TEDIOUS PROCESS OF LAW. GOVERNOR WOODS COMMITS HIMSELF ALSO; WHEREAT THE COURT IN CONSTERNATION CALLS THEM ALL TO ORDER.

The preliminary action of the September term of court, (1870) was quite ominous, and indicative of preparations being made by the United States marshal to receive prisoners from the hands of the chief justice; and it was known, too, that those expected prisoners were Brigham Young, Mayor Wells and others of the class whom the judge, in his address to the juries, had spoken of as the "high priesthood of the so-called Church of Jesus Christ of Latter-Day Saints." Indeed, he had, through this address, told the public, and the news had gone over all America, and across the Atlantic to Europe, that "already several men in high positions in the so-called Church of Jesus Christ of Latter-Day Saints, have been indicted for high crimes, some of them for murder." And, whether he had designed such a purpose or not, his words, all the same, created the impression everywhere that some of the Mormon leaders were about to be sent to the penitentiary, and perhaps some of them hanged. So when, just previous to the opening of the September term of court, U. S. Marshal Patrick moved to eject Warden Rockwood, and to take possession of the penitentiary and the prisoners, the Salt Lake public knew what the move signified, and became intensely excited, thus knowing that Brigham Young and his compeers were the next prisoners the U. S. marshal was preparing to receive. The Salt Lake *Tribune* stated the case to the public of the U. S. Marshal *vs.* Warden Rockwood and Territorial Marshal J. D. T. McAllister. The Salt Lake *Tribune* said for the Federal authorities, with much exaggeration:

"A prisoner by the name of Kilfoyle was serving a sentence of fifteen years in the penitentiary for manslaughter. This convict belonged to the penitentiary and to the custody of Marshal Patrick. The latter, by instructions from Governor Woods, demanded him, but in vain. He was in the city prison, under J. D. T. McAllister's care. The latter bluffed and sold Marshal Patrick after he had agreed to give the prisoner up, by displaying two hundred Mormon deputy

Territorial marshals, and then refused to make the surrender. Governor Woods pursued the retreating official. Then stepped in Associate Justice C. M. Hawley, on Marshal Patrick's complaint. The result yesterday was the arrest of McAllister and Rockwood, a brief hearing, an adjournment, and the bailing out of the Territorial chieftains to appear again to-morrow morning to answer the serious charge of resisting United States officers and concealing prisoners. The question of the United States laws over the Territorial enactments is likely now to be settled on one point. Of course every other one must be settled on its own merits. Every inch gained by the law must be fought for. Some of these days the church will get fatigued, we guess."

The *Deseret News* of September 2nd, gave the Territorial side and said:

"This morning at 10 o'clock, U. S. Marshal Patrick entered the court room of the City Hall and made, in the presence of witnesses, a formal demand of Warden A. P. Rockwood for the latter to deliver up to his (the marshal's) custody the prisoner Kilfoyle. Mr. Rockwood asked whether he had any written authority, from any court of competent jurisdiction, authorizing him to make such a demand. The marshal said he had not; whereupon Mr. Rockwood delivered to him the following:

"'WARDEN'S OFFICE, SALT LAKE CITY
"'August 31st, 1871, 6 P. M.

"'*M. T. Patrick, U. S. Marshal for the Territory of Utah:*

"'On my return to my office this evening, Mr. Hyde the officer in charge of one of the convicts in my custody, informed me that you had called upon him, and demanded the surrender of said convict, also that he demanded your authority for so doing, and that you had no process from any court, on the subject, but it was the instruction or order of Governor Woods, for you to take possession of the prisoner; whereupon Mr. Hyde informed you that he was not authorized to deliver him without an order of the court.

"'This is to inform you that I have an order of court, authorizing me to retain him until discharged by due process of law and it is my sworn duty so to do. Under these circumstances I have to inform you that I shall not deliver him to you, unless you present an order from some court of competent jurisdiction in the premises, which will be a warrant to me to deliver him to you.

"'Such further action as you choose to take, will be on your own responbility.

"Respectfully yours,
"'A. P. ROCKWOOD, *Warden*.'

"After receiving the above paper the marshal said he would have him (Mr. Rockwood) arrested for retaining the prisoner. Mr. R. said, 'I have nothing more to say, you have received my answer to your demand.' The marshal then enquired of Mr. R. who had the prisoner in custody, and was told that he believed City Marshal J. D. T. McAllister, and that officer Wm. Hyde was the jailor.

"Marshal Patrick then made a demand upon City Marshal McAllister, for the prisoner in question, in answer to which, Mr. McAllister said he could only

deliver him on an order from Warden Rockwood, to whom he was responsible for him. Marshal Patrick then said, in an excited manner, 'Then I will try to take him. I will endeavor to muster enough men to do it,' and, looking around the room, 'I see you have a good many men here.' Our reporter looked round too, but failed to see the many men, there being about sixteen in the room, most of whom were merely spectators, who had stepped in to see what was going on. Mr. McAllister informed Marshal Patrick that when he, Mr. Patrick, delivered over to the city authorities, for safe keeping, the prisoner McKay, he (Mr. McAllister) would not have been justified in delivering him up to any party without his, Marshal Patrick's order, and his position was the same as that sustained by him to Warden Rockwood. Mr. Patrick then said he would have Mr. McAllister arrested and taken to Camp Douglas. Mr Patrick then left the hall."

Judge Morgan opened for the prosecution.

But the "true inwardness" of this action was brought out during the speech of Mr. Fitch, which Acting U. S. Attorney Baskin interrupted, to say that his way would have been to put the guns of Camp Douglas upon the city, blow down the City Hall and jail, and force possession of the prisoner with bayonets. Counselor Fitch was arguing:

"If the marshal of the United States, deeming himself, under the law, entitled to the custody of this prisoner had applied to your Honor for a writ of *habeas corpus*, to test the legal questions involved, and your Honor had upon such proceeding decided that the marshal was entitled to his custody, then such decision should have been 'an order of court;' within the meaning of the act of 1790; and, on a refusal to comply with that order, the Territorial officer would have been liable under the laws of the United States that have been cited here. But it seems that the marshal determined to proceed without a process of court. Why he came to this conclusion I do not know. If he was right in his construction of the act of Congress, an order of the court could have been obtained at no greater cost or trouble than this prosecution; and it seems that he will need the order of court after all, for the counsel who opened the case for the prosecution stated to your Honor that in the event of the commitment of this defendant, he should also ask for an order of the court that the prisoner be turned over to the custody of the United States marshal. He asks now for that which he should have solicited before, and which, had he obtained it, would have superseded the necessity of this proceeding. If there had been a successful application for the custody of Kilfoyle by *habeas corpus*, or if there had been any kind of an order of this court issued and directed to the warden of the Penitentiary, commanding him to surrender Kilfoyle to the U. S. marshal, he would at once have surrendered the prisoner, and there would have been no cause for argument in his defense upon this criminal charge. All the defendant asked, as appears from the testimony, was an order of court. In his written protest, he says, 'I will surrender this convict on the order of some court of competent jurisdiction.' He deems himself invested by the Legislature of the Territory with certain duties and responsibilities; he has given bonds for the faithful performance of those duties and the discharge of those responsibilities. It is but little to ask, when he is called upon to divest himself of these responsibilities, and to cease to perform

those duties, that he should do it on some demand more formal and some decision more binding than the construction of an act of Congress made by the United States marshal—the United States marshal who is not responsible to the people of the Territory or the Legislature of this Territory, and whose construction would not avail the warden as an excuse or defense for official malfeasance if perchance he should be charged with such, for thus relinquishing his trust. *Habeas corpus* would, it seems to me, have been the better way to test this question; but being less calculated to make turbulence and create ill-feeling, than the method of procedure which has been pursued it may, by some, be thought a matter of congratulation that it was not invoked. However, we have perhaps cause to congratulate ourselves that the guns of the Fort have not been turned on the city, and the City Hall surrounded with cavalry, infantry and artillery, and the warden compelled at the point of the bayonet to surrender his prisoner."

MR. BASKIN—"That would have been my way to do it."

MR. FITCH—"I presume that Mr. Baskin would have knocked the City Hall and city jail down."

MR BASKIN—"I would that!"

MR. FITCH—"The acting law officer of the United States informs us that he would have 'let loose the dogs of war' had his advice been followed and his wishes consulted. And why were they not? Where was all the power which with all the pomp and parade of war once interfered to prevent by arms a peaceful parade of American citizens on the Fourth of July. Was it asleep? ashamed? or afraid?"

GOVERNOR WOODS (who was seated on the right hand of Judge Hawley)—"Neither, my Lord!"

MR. FITCH—"I am assured by the Executive of the Territory of Utah, who honors us with his audience and encourages the prosecution with approving smiles that my surmises are incorrect. The Executive of the Territory, who perhaps agrees with the opinion once expressed by the present President of the United States, that 'the justices of the supreme court are members of the Governor's staff, and who deigns to give to your Honor, as his staff officer, the benefit of his protecting presence, while at the same time he stands ready to answer questions of defendant's counsel, whether he be the party interrogated or no—

THE COURT—This discussion is becoming exciting and I shall not permit further remarks outside of the case."

MR. FITCH—"I beg your Honor's pardon,—but I have not traveled out of the proper line of argument, except to comment upon interruptions, made irregularly by Mr. Baskin and improperly by Governor Woods. Since, then, we are to be tried before being punished, I will now proceed to the consideration of the important questions involved."

The judge was, for the moment in a state of consternation; for evidently, Mr. Fitch, knowing well enough what U. S. Attorney Baskin's mode of action would have been, and that Governor Woods was most eagerly ready to back the courts, even to the letting loose the "dogs of war," had surprised them into the actual confession in court of their minds and intents.

The Federal officers thus brought to order and caution, Mr. Fitch was al-

lowed to conclude his most masterly defense, and was followed by Mr. Baskin in what was said by his friends to have been the ablest effort of the day. But the ability of the arguments on either side is of no consequence in the history;—the case and the issue being the salient points.

Judge Hawley, in closing his decision in the case of the United States *vs.* the Territorial marshal and warden of the penitentiary, said:

"An order has been asked on the part of the prosecution upon the defendants to deliver the said convict Kilfoyle to the United States marshal.

"Believing that while sitting as a committing magistrate I have not the authority of a court, except for the purpose of such hearing, and determining the probable guilt of the defendants, I must deny this motion; and therefore the marshal must be left to exercise his powers in that regard in conformity to his rights under the laws, of both those passed by Congress and the Territorial Legislature.

"Holding these views of the law it is my duty to require the defendants to answer to such charges as the grand jury of the district court of the Third Judicial District at the September term for the present year may prefer, and abide the order of said court."

When the U. S. Marshal made a demand for the convict at the door of the city prison, on the morning after Judge Hawley's decision, he was told that the former warden, A. P. Rockwood, had him on his premises. Thither the marshal repaired and found and took possession of the prisoner.

## CHAPTER LX.

OPENING OF McKEAN'S COURT IN SEPTEMBER, 1871. SELECTING THE GRAND JURY. ARRESTS OF BRIGHAM YOUNG AND DANIEL H. WELLS. GENERAL EXPECTATION IN THE STATES THAT THE MORMONS WOULD RISE IN ARMS TO RESCUE THEIR LEADERS. BRIGHAM YOUNG IN COURT A TOUCHING SPECTACLE. THE CHIEF JUSTICE PROCLAIMS FROM THE BENCH THAT "A SYSTEM"—"POLYGAMIC THEOCRACY"—IS ON TRIAL IN THE PERSON OF BRIGHAM YOUNG.

The summoning and passing of the grand jurors formed quite an illustrative preliminary of the polygamic and criminal trials, which the acting U. S. prosecuting attorney, Baskin, was constructing for the September and March terms of 1871 and 1872. Marshal Patrick summoned just enough from the Mormon side of representative men, to suit the purpose of the prosecution, in giving the opportunity to question and challenge them. Apostle George Q. Cannon was one of those chosen for this purpose.

The Salt Lake *Tribune*, frankly confessing the object for which the Mormon citizens had been summoned by the U. S. marshal, says: "Chief Justice McKean

opened the Fall term of the Third District Court on Monday, (Sept. 18, 1871). A grand jury had been summoned and was present, together with the regular petit jurors. The only notable feature in the partial organization of the grand jury was the setting aside by the court of three prominent Mormons, leaders in the Church of Latter-day Saints, and veritable agents of the Almighty as represented by Mr. Young, president and treasurer of the Mormon Church, president of the Deseret Bank, president of the Utah Central Railroad, and general participant in all the good things seizable in Zion. There were three grand jurors who were Saints."

It was amid these circumstances—with the court of Chief Justice McKean thus prepared for business, with grand and petit juries satisfactory to the U. S. prosecuting attorney, that President Brigham Young and Mayor Daniel H. Wells were arrested. The words of the prosecutor, Baskin, that his mode of procedure in enforcing the law would be with the guns of Camp Douglas and the bayonets of U. S. soldiers, were ringing fresh on the ears of the citizens, and the very unmistakable assurance of the Governor of the Territory, made in court, that he was neither "asleep, ashamed, or afraid," to execute such a mode was enough to make our city tremble with the frightful sensation that the volcano beneath might at any moment burst. These ominous open utterances of the Federal actors were made but a few days previous to the arrest of the head of the Mormon Church and the Mayor of Salt Lake City; and both of these leaders, too, in this case, were arrested not for any personal crime, but for the grand offense of their church —polygamy. So far every Mormon citizen was concerned in the offense or guilty of the "crime;" and so far Judge McKean was right when he said "polygamic theocracy," or the Mormon Church, was on trial in the person of Brigham Young. It was not so, of course, in the sense of the law, but in the interpretation of the "real case" by a judge who embodied in himself a mission to bring "polygamic theocracy" to trial and judgment, just as he said polygamic theocracy was embodied in Brigham Young. In this extraordinary and extrajudicial sense there was no essential difference in the understanding of the case between the Chief Justice and the Mormon people. The actual intention of the court, the U. S. prosecutor, and the Governor was to arrest "polygamic theocracy;" and when Marshal Patrick, on the 3rd of October, put his hand on Brigham Young, he did indeed both in design and fact arrest the Mormon Church, in the McKean sense.

Was it a wonder, then, with such a sense of the case on both sides, that a fearful suspense pervaded the city at the moment of the arrest of Brigham Young? It was well known that he had often declared that he never would give himself up to be murdered as his predecessor, the Prophet Joseph, and his brother Hyrum had been, while in the hands of the law and under the sacred pledge of the State for their safety; and ere this could have been repeated ten thousand Mormon elders would have gone into the jaws of death with Brigham Young. In a few hours the suspended Nauvoo Legion would have been in arms; and then if the guns of Camp Douglas had opened fire on "polygamic theocracy" and the U. S. soldiers had come down with bristling bayonets to arrest the Church, in the person of Brigham Young, whatever might have been the after consequences, those guns would have been silenced and those bayonets resisted. If the United States judges, Governor, U. S attorney and marshal did not so understand it, they

knew nothing really of the dangerous ground upon which they stood, when they planted in design guns upon the Church and in imagination came down with bayonets to arrest its head.

For the historian to treat the case and circumstances of that moment in any other light, or with any different spirit would not only show a disingeneous effort, but also be inconsistent with the whole history of the Mormon people. The "Utah war" or "Utah rebellion," just as it pleases the choice to name it, is an exact example, in fact and significance, of that which would have transpired, had the attempt been made with cannon and bayonets to arrest Brigham Young to bring him into court for trial by Chief Justice McKean. But Marshal Patrick went without the threatened guns and bayonets and met no show or disposition of resistance to the lawful process of the court.

On Monday afternoon, October 3rd, 1871, President Brigham Young was arrested in his residence, Salt Lake City, by U. S. Marshal Patrick on a writ issued by Chief Justice McKean, on an indictment found under an old statute of Utah, which read as follows:

"SEC. 32. Every person who commits the crime of adultery, shall be punished by imprisonment not exceeding twenty years, and not less than three years, or by fine not exceeding one thousand dollars, and not less than three hundred dollars; or by both fine and imprisonment at the discretion of the court. And when the crime is committed between parties, any one of whom is married, both are guilty of adultery, and shall be punished accordingly. No prosecution for adultery can be commenced but on the complaint of the husband or wife.

"SEC. 33. If any man or woman not being married, to each other, lewdly and lasciviously associate, and cohabit together; or if any man or woman, married or unmarried is guilty of open and gross lewdness, and designedly make any open and indecent, or obscene exposure of his or her person, or of the person of another, every such person so offending shall be punished by imprisonment not exceeding ten years, and not less than six months, and fine not more than one thousand dollars, and not less than one hundred dollars, or both, at the discretion of the court."

This statute the prosecution construed and the court allowed had been violated by the said Brigham Young. It was notoriously the fact, known throughout the world, that the offense of the President of the Mormon Church against the law was that of polygamy; and from the onset this contemptible trick of the U. S. attorney and the court, in prosecuting him upon an old Territorial statute, for an offense of which he was clearly pure, instead of upon the anti-polygamic act of Congress of 1862, was most distasteful to every honorable lawyer in America.

Marshal Patrick performed his duty in a delicate and gentlemanly manner, leaving a deputy in charge of his prisoner, whose ill health had prevented his leaving the house for several days.

The next morning after the arrest, Hon. Thomas Fitch, of the counsel for President Brigham Young, made application in the Third District Court for an extension of time until Monday to prepare, and, as his client was sick and unable to appear in court, desired that bail should be taken, as he was nominally in charge of the U. S. marshal. Deputy prosecuting attorney Maxwell objected·

He wanted the defendant to come into court to plead to the indictment. "The people," he said, "demanded that Brigham Young should appear in court the same as anybody else." The court granted the extension of time until the following Monday, but said the bail could not be taken until the defendant plead to the indictment.

In the afternoon, Tuesday, October 3d, D. H. Wells, Mayor of Salt Lake City, was arrested, upon a charge substantially the same as that preferred against President Young, but as the Mayor appeared in court bail was taken in his case and fixed at $5,000.

On Saturday, October 7th, Hon. Q. Cannon was arrested on the same charge.

The news of the arrest of the head of the Mormon Church flew over the wires, and in their next issues the leading journals of the country gave importance to the case.

The New York *Herald* of Sunday, October 1st, in its Salt Lake telegraphic correspondence gave the following to the American public.

"BRIGHAM YOUNG HAS BEEN INDICTED

"*On several charges, and it is also said that he is likely to be tried the coming week on one of the indictments.*

"THE MORMONS ARMING.

"*The sale of muskets and ammunition continues, and it is reported that more arm than those bought at the recent government auction sale at Camp Douglas has been disposed of.*

"EXCITEMENT AMONG THE SAINTS.

"*The feeling of the Mormon people, as reflected by the church organs, the* NEWS *and* HERALD, *is unmistakeably rebellious and warlike. The* NEWS, *the official organ for Brigham Young, is extremely bitter and offensive. It advocates*

"OPEN RESISTANCE TO THE LAWS,

"*Libels United States officials, and endeavors in every way to incite the people to open rebellion. Under these influences many persons are sending off their wives and children to points where there will be no danger. The church organs are doing everything in their power to fire the Mormon heart, and the result cannot but be disastrous if the fanatical element is once aroused and fully loosed.*"

The foregoing were infamous lies, and were quickly after their publication so declared by the associated press agent of Salt Lake City, whose telegrams appeared in the papers of the country generally, and so far corrected the mischief done. But the dispatches to the New York *Herald* show clearly the villainous conspiracy that was being hatched at that time in Salt Lake City, in which the courts and the prosecution were concerned, as well as the press agent of the New York *Herald*, who was a willing tool in their hands. That special press correspondent of the *Herald* was none other than Oscar G. Sawyer, managing editor of the Salt Lake *Tribune*, and, as his telegram to the New York *Herald* will show, (bearing date September 30th,) his news of the indictment a he business to follow *was given three days before that indictment was made public* and Brigham Young ar-

rested. It signified that the special correspondent of the New York *Herald* had the inside track of the court and grand jury room, just as Chief Justice McKean had the editorial stool of the Salt Lake *Tribune*, at his pleasure, to write editorials sustaining his own court decisions.

The New York *Herald*, in its issue of the 3d of October, said:

"Brigham Young was arrested yesterday by the United States marshal in Salt Lake City on an indictment charging him, under the Territorial laws, with lewd and lascivious conduct with sixteen different women, whom we may presume were, according to his creed, his wives This brings the Mormon difficulty to a crisis, and we have nothing to do but await his utter demolition in the courts and the immediate downfall of the last relic of barbarism in this free country.

The Leavenworth *Bulletin* of the 4th, said:

"The telegraph of this morning informs us of the arrest of Brigham Young by the United States authorities in Utah, to answer an indictment for bigamy, and the dispatch says, trouble is anticipated. It is feared that the followers of the prophet will rise in arms to resist this indignity offered to the head of the church, and therefore troops are being sent to Salt Lake to be held in readiness to enforce the laws. But these fears are altogether unnecessary; the Mormons don't intend to fight; neither do they intend to renounce polygamy. The arrest of Brigham Young may be the signal for the beginning of the exodus of the Saints from the valley to some more remote corner of the globe, but not for armed resistance; they recognize the power of the National Government, and will not war against it; but they will not give up their 'peculiar institution;' it is their faith and they will not renounce it. The progress of civilization across the continent will soon drive polygamy from the valleys and mountains of Utah, but it will ever have an abiding place in the Mormon heart. The follower of Brigham, like the red son of the forest, must soon retreat before the spirit of the age, but wherever he goes he will take his wives with him."

The Sacramento *Union* of the 6th took quite a common sense view and observed:

"The arrest of Brigham Young, and Daniel H. Wells, another of the high functionaries in the Mormon Church, with a view to test the stability of polygamy as a Mormon institution, excites more than usual attention. The public is interested in knowing what the upshot of the whole affair will be. There is a prejudice, whether well or ill founded it is not the province of this article to say, against the Mormons as a sect, entertained by a majority of the people of the United States, and it is only made stronger by their polygamous doctrines audaciously declared to be sanctioned by revelation from heaven. The prejudice is deep-rooted, and it asks for the conviction of the leaders of the Mormons for practices which the civilization of the day does not approve.

"The demands of the whole world have nothing to do with the case of these Mormons, and should have no weight when they are to be tried and gauged by established law. They are entitled to the protection of all the law there is, and are amenble only to the laws there are, and for misdeeds committed while those laws have existed. These Mormons went to a distant region as our forefathers fled from England, and founded institutions of their own. They went where no State laws were

made to extend, and the Constitution of the United States and laws made in accordance therewith have not in the past interfered with family relations. Marriage is not one of the institutions the sovereignty of the United States takes cognizance of and the declaration that the common law steps in, in the absence of anything else, and makes the polygamist amenable, is made in ignorance of the fact that the United States knows no common law, and it cannot be recognized anywhere except by statute. Up to a recent period the Mormons having full sway in Utah, no laws existed that militated against their peculiar institutions, but were in consonance with them. 'Where no laws are, no offense abounds.' An act of late date cannot go back of its enactment to punish. *Ex post facto* laws are prohibited, and we conceive that any act of Congress or of the Territorial Legislature, cannot punish polygamy before the enactment.

"The leading Mormons now under arrest seem to have been caught up under an act to prohibit adultery, signed by Brigham Young himself. Now, that law is to be interpreted by the spirit that dictated its passage. Manifestly not one who voted for it, or Brigham Young, who approved it, recognized its applicability to cases of polygamous practice. Their plural marriages were regarded as legitimate, and the law was passed to favor such marriages and to discourage prostitution. The spirit of that law has not been broken by the Mormon elders, in taking more wives than one, and it is not in the duty of the judicial authorities of Utah to give the law a different construction from that intended. If that law is all that is relied on for conviction, Brigham and Wells may well entertain sanguine hopes of non-conviction, if a fair trial be given them."

The Omaha *Herald* of the 6th said:

"In all the past agitations in Utah, relying upon the law-abiding character of a people by all odds the most orderly, and in most respects the best governed whom we have ever known, we steadily refuse to accept the theory of what has been called a Mormon war. But there is a crisis now impending there involving imminent danger of outbreak into open violence and bloodshed. We do not say that this will positively occur, but the danger of it is imminent, and it will not surprise us at any moment to hear of such a disaster.

"In view of the vast interests that would be involved in such an event, we look upon it as a possibility, nay, an imminent probability, that is calculated to excite the gravest apprehensions. The men who are bent on producing this calamity must be checked in their mad career, or it will be perfectly certain to occur. They can neither incarcerate nor hang Brigham Young, Daniel H. Wells, George A. Smith, George Q. Cannon and other men of this stamp under the forms of law, without raising a storm which even these men would be powerless to control, and which would be sure to result in a great destruction of property and other interests, as well as of life. The mining and railroad interests would be vastly damaged if not temporarily destroyed by such a conflict. And there is no use in mincing matters. Plain talk is what is now wanted, and the authorities at Washington should be promptly invoked to avert these possible disasters. They concern great interests outside of Utah, as we shall most certainly ascertain if matters there are pushed to extremities.

"The Mormon people are an honest people. They are terribly in earnest in

upholding their religion. Deluded they undoubtedly are, but this does not alter the fact that no people round the earth are more ready to do, dare and die than they are in defence of their religious faith and institutions. Driven to despair of justice at the hands of their avowed enemies, there is not a true Mormon in all Utah who would not put the torch to his own home, and return the garden which his labors and sacrifices have produced, to its original wilderness of desert. Armies cannot prevent general ruin and desolation in that Territory, if ever the flame of war is lighted."

In the afternoon of the appointed day, at about two o'clock, a number of carriages were seen coming briskly down the State Road from the President's office and to turn into Second South Street driving towards Faust's Hall, where the court was held. In those carriages were Brigham Young, John Taylor, George A. Smith, Daniel H. Wells, George Q. Cannon and John Sharp, and other representative Mormons. The President was evidently under the protecting care of an escort of picked men whose presence in court would be unpronounced, but who were not only the guardians of the life and person of Brigham Young, but of the court itself, and the peace of the city at that critical moment.

The Salt Lake *Tribune*, in its leading editorial of the 10th of October, under the head of "*Brigham Young in court*," said:

"It was a decidedly novel spectacle yesterday afternoon to see the 'Lion of the Lord' sitting in the court room waiting for the coming of his earthly judge to try him. It suggested the greater and more solemn occasion when he shall go before the judge of all flesh to give an account of the deeds done in the body, whether good or evil. If they be good, as his apologists and disciples affirm, then there is no matter about the contrary opinions of enemies and charges of his accusers; if they be evil, the mistaken confidence of his people will not shield him from condemnation, nor will he be able to employ two archangels of the court of heaven to defend him.

"There can be no doubt that the President of the Church of Jesus Christ of Latter-day Saints made several very good points yesterday. His being there a quarter of an hour before Judge McKean patiently waiting his coming, was very wisely arranged and looked well on an occasion which opens a series of circumstances destined to form a chapter of history. His appearance in court too—his quietude, and an altogether seeming absence of a spirit chafing with rage at being brought to trial, evidently made a good impression. If there were any malice against him before, the sight of Brigham Young, at least practically acknowledging the authority of the United States to try him, even for the highest crimes known in the law, and the respectful bearing which he put on, disarmed much of that malice. The moral effect of Brigham's appearance and the conviction of innocence which it produced, brought Major Hempstead to his defense, and he plead very powerfully in his behalf, occasionally throwing a spice of wit at the prosecution. The editor of the *Vidette*, who sought years ago to 'reconstruct and regenerate' Bro. Brigham, yesterday afternoon eloquently objected to the proposition to reconstruct and regenerate the prophet and urged the indictment should be quashed.

"It is evident that President Young's thus coming into court, and his resolution to abide every trial, and contest the charges brought against him, constitu-

tionally through his counsel, was the very wisest course he could have taken. It will divide people in his favor and bring many of the Gentiles to the help of Israel even as it has already brought two of their lawyers to the defense of the prophet. Perhaps there was more respect and sympathy felt for Brigham Young, when he left the court-room, feeble and tottering from his recent sickness, having respectfully sat in the presence of his judge three-quarters of an hour after bail had been taken, than ever there was before in the minds of the same men"

This case of the United States *vs.* Brigham Young for polygamy is rendered more memorable, as well in the general history of Utah, as in the record of criminal jurisprudence, by the famous opinion of Chief Justice McKean, overruling the motion of the defendant's counsel to quash the indictment. We give the document entire that it may be preserved to history.

"OPINION OF JUDGE McKEAN.

"*On the motion to quash the indictment of Brigham Young.*

"Territory of Utah, Third District Court—*ss.*

"The People of the United States of Utah, *vs.* Brigham Young.

"September Term, 1871, Salt Lake City.

"OPINION OF CHIEF JUSTICE McKEAN.—STATEMENT.—The defendant is indicted for lewd and lascivious association and cohabitation with sixteen women, not being married to them. The indictment is under the following statute:

"'If any man or woman, not being married to each other, lewdly and lasciviously associate and cohabit together.' * * * 'Every such person so offending shall be punished by imprisonment not exceeding ten years, and not less than six months, and fined not more than one thousand dollars, and not less than one hundred dollars, or both, at the discretion of the court.' Laws of Utah p. 53, Sec. 32.

"The indictment contains sixteen counts and charges as many offenses, extending from the year 1854 to the present time, there being no statute of limitations. The defendant moves to quash the indictment on the following grounds:

"1st. That in said indictment, as appears upon the face thereof, this defendant is charged with sixteen different felonies, alleged to have been committed at sixteen times and places, with sixteen different persons, the same not being different parts of one offense, nor different statements of the same offense or such alleged felonies being in anywise connected with each other.

"2nd. That each and every count in the same indictment, as appears upon the face thereof, is of vague, uncertain and indefinite in the allegation as to the time when said offenses, or any of them, were committed.

"R. N. BASKIN, *U. S. Attorney*, and G. R. MAXWELL, *for the people.*

"FITCH & MANN, HEMPSTEAD & KIRKPATRICK, SNOW & HOGE, A. MINER, LE GRAND YOUNG, and HOSEA STOUT, *for defendant.*

"McKEAN, C. J.

"Although the question of selecting, summoning and empanelling the grand jury which presented this indictment, is not involved in the motion before the court, one of the counsel for the defendant saw fit, in his remarks, to denounce the jury as having been selected and empanelled in a manner unprecedented either in

Europe or America. Had the counsel first investigated this question, he would have found that when Brigham Young was Governor of the Territory, and his selected friend, Judge Snow, now one of his counsel, sat both upon the district and the supreme bench of the Territory, grand jurors were for years selected, summoned and empanelled precisely as they now are. And the counsel would also have found that in repeated cases United States judges, even within the States, have sometimes found the State statutes inapplicable, and have ordered juries to be procured substantially as they are procured in this Territory.

"But all this has nothing to do with the motion before the court which is to quash the indictment—not the grand jury that found it. Let us return, therefore, to the record.

"One of the counsel for the defendant has rightly said, that the court should render such decision upon this motion as shall subserve the interests of the public and the rights of the defendant. What are those interests? What are those rights? It is agreed by counsel on both sides, that at common law the court might either grant or refuse the motion, in the exercise of a sound discretion. Many authorities were cited on the argument, sustaining this proposition. One of the counsel for the defendant sought to account for the fact that there seems to be a preponderance of authority against the granting of a motion to quash, by conjecturing that when such motions are granted they are not often reported. He also urged that this court is not bound to respect any decisions rendered outside of this Territory, unless they be rendered by the Supreme Court of the United States.

"Without pausing now to consider those arguments, let us proceed to enquire —what are the interests of the public and the rights of the defendant, as involved in this motion? It is unquestionably to the interests of the public that a man indicted for crime, if guilty should be convicted; if innocent, acquitted; and that, too, with as little delay as may be consistent with the rights of the accused, and with those safeguards which experience has approved. But will it promote the interests and rights either of the public or of an accused citizen, to have many indictments and many trials for offenses of the same class, rather than one indictment and one trial covering the whole? The court is bound to presume that the evidence before the grand jury authorized, nay required, the sixteen charges contained in this indictment. If now the court should grant the motion of the defendant, and quash the indictment because it contained these sixteen counts, the grand jury, which is not yet discharged, would be in duty bound to find sixteen new indictments. Or if the court should compel the prosecution to elect to go to trial on some one count only—striking out the others, then the grand jury would be in duty bound to find fifteen new indictments. Thus, in either event, the defendant would be subjected to sixteen indictments and sixteen trials. How this could promote the rights and interests either of the public or of the defendant, it is not easy to perceive; nay, it is difficult to imagine anything more harassing and vexatious to the defendant. Indeed the learned counsel for the defendant failed to show wherein this would be any favor to their client. Had sixteen indictments been found in the first instance instead of one, could not the defendant's counsel urge with irresistible arguments, that they should be consolidated?

"But is there not some legislation bearing upon the question? By act of Congress, approved February 26, A. D. 1853, it is provided that 'whenever there are or shall be several charges against any person or persons for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses which may be properly joined, instead of having several indictments, the whole may be joined in separate counts; and if two or more indictments shall be found in such cases, the court may order them consolidated.' (10 Statues at Large, page 162; 1 Brightly's Digest, page 223, Sec. 117.)

"What is the just construction of this statute? Notwithstanding the ingenious efforts of one of the counsel to induce the court to disregard the views, reasonings and opinions of other courts, still it may be prudent, first to listen to those courts and see if their decisions be reasonable. The United States *vs.* Bickford (4 Blatchford's circuit court rep. 337) the indictment contained one hundred counts, each one being for a distinct felony, but of the same class. On motion to quash, the court refused, holding that the joinder of the distinct felonies was warranted by the statute quoted above. In the United States *vs.* O'Callahan (6 McLean's circuit court rep., 596), the same doctrine is held. These decisions are entitled to great respect, having been rendered by eminent judges of the Supreme Court of the United States and their associate district judges. Indeed so obvious, reasonable and just are they that, were the question a new one, I do not see how I could reach a different conclusion.

"In considering the second ground of motion to quash, the meaning of the words 'associate' and 'cohabit' must be carefully kept in mind. Webster defines 'associate' thus: To join in company, as a friend, companion, partner or confederate. * * * It conveys the idea of intimate union. He thus defines 'cohabit': To dwell and live together as husband and wife; usually or often applied to persons not legally married.

"The offense charged in each count could not be predicated of any one moment or instant of time. To commit such an offense, a continuous and somewhat protracted period of time is necessary. There is nothing in this objection.

"The learned counsel for the defendant need not be assured that any motion which they may make in behalf of their client, shall be patiently heard and carefully considered. Nor does the court intend to restrict them in their arguments, except upon questions already adjudicated. But let the counsel on both sides, and the court also, keep constantly in mind the uncommon character of this case. The supreme court of California has well said: 'Courts are bound to take notice of the political and social condition of the country which they judicially rule.' It is therefore proper to say, that while the case at bar is called, '*The People versus Brigham Young*,' its other and real title is, '*Federal Authority versus Polygamic Theocracy*.' The Government of the United States, founded upon a written constitution, finds within its jurisdiction another government claiming to come from God—*imperium in imperio*—whose policy and practices are, in grave particulars, at variance with its own. The one government arrests the other, in the person of its chief, and arraigns it at this bar. A system is on trial in the person of Brigham Young. Let all concerned keep this fact steadily in view; and let

that government rule without a rival which shall prove to be in the right. If the learned counsel for the defendant will adduce authorities or principles from the whole range of jurisprudence, or from mental, moral or social science, proving that the polygamous practices charged in the indictment are not crimes, this court will at once quash the indictment and charge the grand jury to find no more of the kind.

"The pending motion to quash is overruled."

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## CHAPTER LXI.

MASS MEETING CALLED BY THE MAYOR OF SALT LAKE CITY TO ASSIST THE SUFFERERS OF THE CHICAGO FIRE. RESPONSE OF MORMON AND GENTILE. DONATIONS LED BY BRIGHAM AND THE CITY. "ONE TOUCH OF NATURE." THE TELEGRAPH TO PIOCHE COMPLETED. CONGRATULATIONS AND THANKS OF CONNOR AND OTHERS TO BRIGHAM YOUNG.

At this moment there occurred in America one of those great calamities, which though awful in its consequences to a hundred thousand human beings, sounded to its depths the great heart of mankind, and made every city in the Union responsive to the call of our National brotherhood and sisterhood. It was the Chicago fire. The Mayor of Salt Lake City immediately issued the following:

"PROCLAMATION,

"The news having been confirmed of the terrible conflagration by which a great portion of the city of Chicago has been reduced to ashes, and one hundred thousand people have been stripped of their homes, clothing, and means of subsistence, therefore,

"I, Daniel H. Wells, Mayor of Salt Lake City, by the wish of the city council of said city, call upon all classes of the people to assemble in mass meeting tomorrow, Wednesday, October 11th, at one o'clock P. M. in the old tabernacle in this city, for the purpose of making subscriptions and taking such measures as are demanded for the relief of our fellow citizens who are sufferers by this dreadfu visitation.

"DANIEL H. WELLS, *Mayor.*

"October 10th, 1871."

Just at this moment there arrived in Salt Lake City (October 10th,) the Hon. O. P. Morton, U. S. senator from Indiana, one of the most prominent men of the nation, accompanied by his wife and child, Maior Beeson, W. P. Fishback, wife and child, W. Clinton Thompson, Mrs. Lippincott (Grace Greenwood) and Dr. Clark, brother of the last named lady. Their coming at that juncture had thereafter considerable influence in Utah affairs, Senator Morton and his companions

setting their faces sternly against the judicial procedure of those times, while Grace Greenwood joined with our citizens in raisingsubscriptions for the Chicago sufferers.

In pursuance of the call of Mayor Wells, a large number of citizens met at the old tabernacle, when Mayor Wells was called to the chair and Hon. George Q. Cannon appointed secretary. The following committee was also appointed by the meeting, to receive subscriptions from the citizens of Salt Lake and the adjoining mining camps: John T. Caine, David E. Buell, Warren Hussey, S. Sharp Walker, A. S. Mann, Theodore McKean, William Jennings and William Calder. Hon. William H. Hooper and Hon. Thomas Fitch made appealing addresses, and then Hon. Frank Fuller stated that he was authorized to say that a lady of great literary distinction, Mrs. Lippincott—Grace Greenwood—would gladly contribute the proceeds of a lecture to the fund, which announcement was received with applause, and the distinguished lady invited to the stand by Mayor Wells to make a few remarks. She said substantially "that the good book informs us that out of the abundance of the heart the mouth speaketh, but she could not express the feelings of her heart in view of the terrible calamity which has afflicted Chicago, where she had many generous friends. She would like to do something to relieve this sorely stricken people. She rejoiced to see people of all opinions coming together to carry out the common obligations of humanity. This would do much to heal all these unhappy differences; (referring to our local prosecutions). It seems to be time for some women to speak of the poor children dying of exposure in the streets of Chicago. But I cannot talk of them. You gentlemen all know what is due to the gravity of such an occasion."

Mayor Wells said that the amounts subscribed should be forwarded to him at the City Hall at once, in order that he might place it in bank subject to the order of the Mayor of Chicago. He also said that a benefit would be given at the theatre in aid of the fund. Subscriptions were then announced led off by Brigham Young, $1,000; Salt Lake City, $1,500; Daniel H. Wells, $500; William Jennings, $500; William H. Hooper, $500; Buel & Bateman $500, and a number more of lesser sums, amounting to $6,286, subscriptions donated at this meeting alone and nearly all from Mormon hands.

The Masonic Brotherhood also inaugurated a subscription; other public meetings were held for a similar purpose; a large benefit was given at the Salt Lake theatre; Grace Greenwood gave her lecture, realizing for the fund nearly $300. Altogether quite a handsome sum, about $20,000, was gathered in Salt Lake City to relieve the Chicago sufferers.

Mrs. Lippincott seems to have been both surprised and considerably affected by the hearty manifestation of a deep human nature during the rage of a "Christian" crusade against them, and she w rote to the *New York Herald* as follows:

"In the old tabernacle, yesterday, we attended a mass meeting, called by the Mayor, to raise money for the relief of the Chicago sufferers. Here we saw Brigham Young, and I must confess to a great surprise.

"I had heard many descriptions of his personal appearance, but I could not recognize the picture so often and elaborately painted. I did not see a common, gross looking person, with rude manners, and a sinister, sensual countenance, but

a well dressed, dignified old gentleman, with a pale, mild face, a clear grey eye, a pleasant smile, a courteous address, and withal a patriarchal, paternal air, which of course, he comes rightly by. In short, I could see in his ace or manner none of the profligate propensities, and the dark crimes charged against this mysterious, masterly, many-sided and many-wived man. The majority of the citizens of Salt Lake present on this occasion were Mormons, some of them the very polygamists arraigned for trial, and it was a strange thing to see these men standing at bay, with 'the people of the United States' against them, giving generously to their enemies. It either shows that they have underlying their fanatical faith and Mohammedan practices a better religion of humanity, or that they understand the wisdom of a return of good for evil just at this time. It is either rare Christian charity or masterly worldly policy. Or, perhaps, it is about half-and-half. Human nature is a good deal mixed out here. But I do not suppose it will matter to the people of dear, desolate Chicago what the motive was that prompted the generous offerings from this fair city among the mountains. The hands stretched out in help, whether polygamic or monogamic, are to them the hands of friends and brothers. Certain it is that the Saints seemed to give gladly and promptly according to their means. President Young gave in his thousand and the elders their five hundred each as quietly as the poor brethren and sisters their modest tribute of fractional currency. It is thought that Utah will raise at least $20,000.

"There is to me, I must acknowledge, in this prompt and liberal action of the Mormon people, something strange and touching. It is Hagar ministering to Sarah; it is Ishmael giving a brotherly lift to Isaac."

Coupled with this instance of ready and generous help extended to the Chicago sufferers by our citizens, which so warmed the hearts of Senator Morton, Grace Greenwood and their party toward the Mormon community, may be recorded here one of the many services which Salt Lake city has contributed to the settling and growth of the Pacific States and Territories. It will be remembered by the reader, that not only was the virgin city of the Great Salt Lake, in 1849, the half-way house of the Nation in her peopling of the west, after Mormon shovels under their foreman, Thomas Marshal, had turned up the gold of California, but that Utah for years afterwards aided in settling and feeding the younger Territories around her, which had grown up since the founding of Salt Lake City, and which her own colonizing activities had nursed in their infancy. As noted in the early chapters of this history, in 1854-5, the Mormon colonists pushed forward to the western frontier of this Territory and settled a large portion of the country now known as Nevada. These under Orson Hyde organized the whole of that district under the name of Carson County, which county was represented by Hon. Enoch Reese, a Mormon pioneer merchant. The first house in Genoa was built by Col. John Reese of Great Salt Lake City, and was called Reese's station. Some of our principal Salt Lake merchants were also the first merchants of Nevada: William Nixon, Joseph R. Walker (in the employ of Nixon), William Jennings, Christopher Layton and a number of others, first class men in the formation of a new colony, went out from Salt Lake City, to establish Carson County; and now in 1871, our city continued its good service to Nevada in extending to that State its local telegraph line.

The extension of the Deseret Telegraph line to Pioche, Nevada, was opened October 23d, 1871, with the following congratulatory messages:

"PIOCHE, NEV., Oct. 23, 2:20 P.M.

"*President Brigham Young*—We thank you for your enterprise in placing us in telegraphic communication with the outer world.

"P. EDWARD CONNOR, CHARLES FORMAN, M. FULLER, B. F. SIDIS, HARVEY J. THORNTON, C. A. LIGHTNER, D. W. PERLEY."

"PIOCHE, 23.

"*President B. Young*—We opened the office here at noon to-day. Josiah Rogerson, from the Ogden office, is operator. The citizens are out in full force, greeting the event most heartily. Firing cannon, speechifying with all the consonants, are the order of the day. With much esteem,

"A. M. MUSSER."

"PIOCHE, 23.

"*Hon. W. Kirkpatrick*—I send you greetings by telegraph. The Deseret Telegraph line is completed and we feel that we have stepped into the world.

"HARRY J. THORNTON."

"SALT LAKE, 23.

"*Col. Harry J. Thornton, Pioche, Nev.*—Congratulations in return upon your escape from barbarism to civilization.

"W. KIRKPATRICK."

"PIOCHE, NEV., 23.

"*Gov. Woods, Salt Lake*—The wires of the Deseret Telegraph Company reached here this morning. The people of Pioche greet their neighbors of Salt Lake.

"P. E. CONNER and others."

"PIOCHE, 23.

"*U. S. Grant, President United States of America, Washington, D. C.*—We are to-day placed in telegraphic communication with the outer world. We greet you and through you our brethren of the great nation of which you are chief.

"P. E. CONNOR and others."

"PIOCHE, 23.

"*Gov. Badley, Carson, Nev.*—The Deseret Telegraph Company has to-day opened communication with this place. We congratulate you on the event. It will greatly benefit our mining camp now so prosperously revived from the fire, and shipping such large quantities of bullion. We do not feel we are any longer the most distant part of your State.

"D. W. PERLEY, M. FULLER, and others."

It has been often said—more often perhaps by the Gentile than the Mormon—that the footmarks and finger marks of Brigham Young are found everywhere in these western States and Territories. The Deseret Telegraph line was Brigham Young's offspring, and General Connor and the principal men of Pioche, very properly said to him, "We thank you for your enterprise in placing us in telegraphic communication with the outer world."

## CHAPTER LXII.

THE HAWKINS TRIAL. HIS POLYGAMY CONSTRUED INTO THE CRIME OF ADULTERY. FOUND GUILTY AND SENTENCED FOR THREE YEARS TO THE PENITENTIARY. A CHARACTERISTIC SENTENCE. THE AMERICAN PRESS ON THE POLYGAMOUS TRIALS.

The action of the courts was resumed. The case of Thomas Hawkins came next. He was tried under the same Territorial statute under which Brigham Young and others were indicted. His crime was to be construed adultery by Sec. 32 of the statute quoted in a former chapter. A review of this case will be found in a subsequent chapter in a speech of his counsel, Hon. Thomas Fitch. Suffice here to say that he was found guilty, and on the 28th of October, 1871, sentence was pronounced by Chief Justice McKean as follows:

"Thomas Hawkins, I am sorry for you, very sorry. You may not think so now, but I shall try to make you think so by the mercy which I shall show you. You came from England to this country with the wife of your youth. For many years you were a kind husband and a kind father. At length the evil spirit of polygamy tempted and possessed you; then happiness departed from your household, and now, by the complaint of your faithful wife and the verdict of a law-abiding jury, you stand at this bar a convicted criminal.

"The law gives me large discretion in passing sentence upon you. I might both fine and imprison you, or I might fine you only, or imprison you only. I might imprison you twenty years and fine you one thousand dollars. I cannot imprison you less than three years nor fine you less than three hundred dollars. It is right that you should be fined, among other reasons to help to defray the expense of enforcing the laws. But my experience in Utah has been such that were I to fine you only, I am satisfied that the fine would be paid out of other funds than yours, and thus you would go free, absolutely free from all punishment; and then those men who mislead the people would make you and thousands of others believe that God had sent the money to pay the fine, that God had prevented the court from sending you to prison, that by a miracle you had been rescued from the authorities of the United States. I must look to it that judgment give no aid and comfort to such men. I must look to it that my judgment be not so severe as to seem vindictive, and not so light as to seem to trifle with justice. This community ought to begin to learn that God does not interpose to rescue criminals from the consequences of their crimes, but that on the contrary he so orders the affairs of his universe that, sooner or later crime stands face to face with justice and justice is the master.

"I will say here and now, that whenever your good behavior and the public good shall justify me in doing so, I will gladly recommend that you be pardoned.

Thomas Hawkins, the judgment of the court is that you be fined five hundred dollars, and that you be imprisoned at hard labor for the term of three years."

The opinions of the American press relative to these trials, should be preserved to history; but only a few of the mass can be quoted in illustration here.

The Sacramento *Union* said: "The conviction of Hawkins, at Salt Lake, for illicit cohabitation with women other than his first wife, means the conviction of the whole polygamous set of Mormons from Brigham Young down to the lowest in authority who is able to keep more than one woman. No doubt such is the object of the prosecution by the governmental officials. The end of the affair is not, however, with the decision of a court in Utah. The case will go to the Supreme Court of the United States for final settlement. If the reports have been correct, the prosecution of the Mormons for polygamy—for that is what it means—is undertaken, not under a statute of the United States, but a law of Utah, signed by Brigham Young himself in 1852, and which was not designed to cover a case like that which the polygamous elders of the Mormon church present. How they can be held amenable under a statute of their own not intended to be applicable in cases of plural marriages has not been explained. The intention of the act must be known to know its meaning. If there is any other law by which these sultans of the American desert can be punished, it would seem that the United States courts ought to resort to that as sure to bring conviction and punishment. The arraignment under a law that was clearly not intended to strike at polygamy is a virtual admission that there is nothing better in law to which the authorities can go. The proposition is not disputed that the Territorial law was not intended to forbid or punish polygamy, and how it can be used in such cases as that of Brigham Young has not been elucidated, except that the prosecution is only intended as an annoyance, or to provoke hostilities, knowing well that the weaker and the despised will be the sufferers in the end.

"As we have said in former articles we have no sympathy with the peculiar institutions of the Mormons, nor much respect for their pretended faith. But laws are laws, and should be executed according to their real intent and meaning. * * * We very much fear that this raid on the institutions of the Mormons is dictated more by popular hate than springing from an honest desire to rid the Territory of Utah of an institution that has not the sanction of the civilized world."

The Carson *Register* said in its review of the case:

"To convict Hawkins it was necessary to give a statute a different meaning from that intended by its authors, and to impute an evil intention where the reverse was known to exist. The presiding judge in excluding all Mormons from the grand and petit juries, cited California authorities to show that courts are bound to take judicial cognizance of the political and social condition of the country which they judicially rule. If this was true in empaneling the jury, it is difficult to perceive by what logic the judge refused to take cognizance of the political and social condition of the country when Hawkins married his second wife. Whatever opinion one may entertain respecting the Mormons, or polygamy, no unbiased observer can read the proceedings of this trial as detailed by the journals

of Salt Lake, without feeling that the court was organized to convict without much regard to law. * * *

"If the verdict and the rulings of the court are sustained, this case is likely to mark the beginning of a social revolution in Utah and the breaking up of this extraordinary society; but even this result will scarcely offset the judicial usurpations by which it is brought about."

But the Sacramento *Union* and the Carson *Register* were in error relative to the power of the defendants to appeal their cases to the Supreme Court of the United States. At that date there was no such power of appeal. Had there been the cases of President Young and others of the Mormon leaders would have been very different. Mr. Fitch boldly proclaimed to the country that, in the absence of the power of appeal, for Brigham Young and his compeers to go into Judge McKean's court was to go "not to justice, but to doom."

The Albany *Law Journal* published in Judge McKean's own State, and edited by a legal gentleman who claimed long personal acquaintance with Judge McKean said:

"The indictment of Brigham Young and the conviction of Hawkins were brought about under a statute against adultery and lascivious conduct passed by an exclusively Mormon legislature in 1852. That the act was intended to cover cases of the kind no one believes, and if may be fairly questioned whether polygamy can be treated as a crime under it. * * * That Chief Justice McKean is a pure and honest man we know, having known him for years before his elevation to the bench, but we know him also to be a man of strong convictions and unyielding prejudices. These latter qualities he has displayed in his present position scarcely becoming the ermine. Justice ought to be severe and awful, too, but it ought at the same time to be impartial—to sit calm and unmoved above the storms of prejudice and passion that rage beneath. His decisions we do not question, but the language accompanying those decisions have been often so intemperate and partial as to remind one of those ruder ages when the bench was but a focus where gathered and reflected the passions of the people.

"Of the Mormon people much may be said in praise as well as in blame. They have, no doubt, trampled upon one of the strongest traditions of civilization, but they have also done some service to the State. Driven from one point to another by mobs as bad as the worst of them, they at length made a hegira quite as remarkable as the 'Flight of the Tartar tribes,' to the wilderness of Deseret and established a commonwealth which has prospered almost beyond example. Aside from polygamy they obeyed the laws quite as well as most new western communities, and they have never failed to respond promptly to any calls made upon them to aid in defending the country or in prosecuting its wars. For a quarter of a century their peculiar institutions have been tolerated by the Government; so long, indeed, as to justify them in assuming that they had become legalized by prescription. In view of these facts we have no hesitation in saying that the justice that is now meted out to them should be tempered with mercy, and that neither the chief justice nor his followers will gain an imperishable renown by an uncompromising crusade."

Daniel H. Wells

The Methodist Church on its part without reluctance owned the parentage of the crusade against the Mormons. *Zion's Herald*, their official organ, said:

"We find Brigham Young was not so far out of the way in declaring that the present judicial movement of the Government against his system, and even against his own immaculate person, is due to the Methodists; Dr. Newman's argument in the Temple began the war. Our missionaries organized it by fortifying themselves on the field, and the camp meeting brethren gave it the last stroke before the arm of the State was raised to carry out its just decrees. We have seen members from the committee and from Judge McKean, the brave man who is doing this work confirmatory of these facts. One of the ministers writes that during the delivery of the Rev. W. H. Boole's powerful sermon on polygamy in the presence of Brigham Young, Orson Pratt, George Q. Cannon and three thousand Mormons, the entire mass literally shook and quailed under the mighty power of God."

Had the Methodist *Zion's Herald* designed irony it could have more aptly said, these Mormon elders "literally shook and quailed in the presence of the Rev. W. H. Boole as Brigham Young did in the presence of Dr. Newman, and as did Orson Pratt when he discussed the subject of polygamy with the Chaplain of the Senate, and provoked him by a signal defeat to vent his evangical wrath in this crusade."

## CHAPTER LXIII.

ARREST OF MAYOR DANIEL H. WELLS ON A CAPITAL CHARGE. HE GIVES HIMSELF UP FOR THE SAFETY OF THE CITY AND IS SENT A PRISONER TO CAMP DOUGLAS. STRUCK BY HIS CONDUCT CHIEF JUSTICE McKEAN, UNEXPECTED BY ALL, GIVES THE MAYOR BAIL. PRESIDENT YOUNG GOES SOUTH FOR HIS HEALTH. THE U. S. ATTORNEY CLAIMS THE FORFEIT OF HIS BONDS. SENATOR MORTON IN COURT. HE CENSURES McKEAN'S PROCEEDINGS AND CREATES A RE-ACTION IN THE PUBLIC MIND.

On Saturday afternoon, October 28th, 1871, Daniel H. Wells, mayor of Salt Lake City, was arrested for the alleged crime of murder. Hosea Stout and Wm. H. Kimball were arrested on a similar charge. The indictment charged Daniel H. Wells, Hosea Stout and others, with having been accessory in the killing of one Richard Yates at the mouth of Echo Canyon. By his own confession, the notorious Bill Hickman was the man who did, in fact, commit the murder; but he sought, or was induced by the prosecution, upon the promise of immunity for all his crimes, to implicate Mayor Wells and others; and it was upon the indictment found through the testimony of this notorious murderer that Mayor Wells was arrested.

The facts were briefly as follows: The said Richard Yates, during the period of the "Buchanan war," was taken a prisoner as a spy. He fell into the hands

of the notorious Hickman to guard; but it is thought that the murderer, knowing or believing that Yates had considerable money in his possession, at night murdered his victim to obtain it.

During the session of the court, on the same afternoon of the arrest, the marshal came in accompanied by Daniel H. Wells and his counsel Mr. Fitch, who asked the judge when he could hear an application for bail.

Attorney Maxwell said the indictment was for murder in the first degree, which was not a bailable offense. Mr. Fitch said the court is the judge of the case, and may release the defendant, or not, after examining the evidence as to the probabilities of the crime. The court fixed Monday at 10 o'clock A. M., as the time for hearing the case. Subsequently Hosea Stout was brought into court under arrest, on the same charge, and the same order taken as to his case. The gentlemen were conveyed prisoners to Camp Douglas in the evening.

On Monday morning, October 30, there was a large attendance in the Third District Court, when the prisoners, Daniel H. Wells and Hosea Stout were brought into court. Mr. Fitch stated that the case would be argued on an application to the court for a writ of *habeas corpus* to bring the prisoners before the court to be held to bail. Mr. Hempstead argued that the grand jury erred in charging the defendants with murder in the first degree, which was properly the province of the petit jury, and that it was within the discretion of the court by the rules, practices and precedents of common law to admit to bail in capital cases, except where the evidence of guilt is clear and the presumption strong; that the principal witness in the case is one of the parties charged in the indictment, and by his own confession the perpetrator of a most bloodthirsty and diabolical murder. He also called attention to the position of the defendant, Wells, as Mayor of Salt Lake City; of his knowledge of this indictment for a month past by common rumor, and that there had been abundant time and opportunity for escape if it had been desirable.

Mr. Baskin followed, insisting that bail should not be given, and Mr. Fitch was about to close the argument in support of the writ when Judge McKean interposed as follows:

"Without intending to have it regarded as a precedent in any other case, I will hold that I have power to issue a *habeas corpus* and bring these prisoners before me, and as they have come in, being brought here by an officer during the progress of the argument, I will regard them as being here on the return of a writ of *habeas corpus*. I will therefore say, that although I was well aware before this argument, that in Great Britain and the United States a prisoner charged by indictment with a capital offence is almost never admitted to bail, still I was willing to be convinced that in this case it would be right to depart from the almost universal rule. Not only willing but anxious to be so convinced; nay, more, I have tried to convince myself by arguments in addition to those of the counsel that it would be right and expedient to do so in this case.

"In the case of the people against Daniel H. Wells, his counsel properly say that the defendant is the mayor of the city, and is at the head of the police force. Camp Douglas, the place where prisoners awaiting trial in this court are usually detained, is some miles distant from the City hall, and from the residence of the

mayor. In that case it would be practically impossible for the mayor to attend to any of the duties of his office, and therefore he could not be held responsible for the quietude and good order of the city. I will therefore admit him to bail. (Applause in the court.)

"In the case of the people against Stout, I will further consider the application and the arguments, and will reach and announce my conclusion hereafter."

Mr. Maxwell said the prosecution would like to be heard on the question of the amount of bail, and he would fix it at $500,000.

The Judge replied, "No, the defendant will give bail in the sum of $50,000."

Mr. Baskin asked, if it should be found that the court had not power to grant bail in capital offenses, whether the bond taken would be valid and binding.

The Judge said that he would not allow his decision in this case to be considered or quoted as a precedent.

Mr. Fitch stated that he would not pursue the argument in the case of Hosea Stout, as he had intended, but leave it with the court which had so promptly settled the case of Daniel H. Wells.

The decision of Judge McKean, to give bail to Mayor Wells, astonished the entire city both Mormon and non-Mormon. There was probably not a single soul ni the city who expected such a decision, excepting the accused himself, who seems at the moment to have risen to that sublime pitch of trust in Providence that he would be delivered, which possess some men in the supreme moments of their life. It was Mayor Wells himself who prompted Mr. Fitch to apply to the court of Judge McKean for a writ of *habeas corpus* to be brought before the court to be held to bail. Mr. Fitch said it would be in vain; Judge McKean would not grant the bail; but the Mayor persisted in the inward prompting that "the Lord would interpose" and thus spurred by the faith and judgment of the prisoner, counsellor Fitch sat down Saturday night and all day Sunday to his work and prepared one of the most masterly efforts of his life, which, strange to say, Judge McKean prevented in its delivery by granting the bail.

The applause in the court was as genuine as the surprise was great, from non-Mormon as well as Mormon. There were, perhaps, not half a dozen persons in the court who were dissatisfied with the act of Judge McKean that day, and the chief of these were the U. S. prosecuting attorneys. The decision of the Judge once made, the majority felt that the act was right; for, however easy it is to lead men away, through their prejudices and passions, by a quick instinct of nature, they realize when their leading man unexpectedly pursues a right course. But Baskin and Maxwell were overwhelmed with astonishment and anger, as their conduct showed. Maxwell, in his demand for the bail to be fixed at half a million dollars, was at once savage and preposterous, and his manner and abrupt statement to the court that the prosecution would like to be heard on the question of bail, was not the conduct or interruption of his will that James B. McKean usually tolerated, as his short, sharp reply evinced—"No, the defendant will give bail in the sum of $50,000"—enough, surely, but ten times less than the malice of the prosecution demanded. Indeed, Baskin probably would of himself not have consented to bail at a million. When the decision was rendered his countenance changed to a leaden hue, and his enquiry, hard and biting with sup-

pressed passion—"If it should be found that the court had not power to grant bail in capital offenses, whether the bond taken would be valid and binding;" was very much in the spirit of a rebuke to the Judge for failing the prosecution in so important a case as the commitment of Daniel H. Wells, one of the Presidents of the Mormon Church, and lieutennat-general of the Nauvoo Legion, to prison for murder for a lengthy period. Judge McKean saw the Mayor of Salt Lake City at the bar, and the peace and safety of the city resting upon him, and wisely made that his own plea for bail, added to the plea of counsel; but Mr. Baskin saw the Mormon leader, whose *courage* in going into the lion's den was behind the *will* of Brigham Young, supporting the whole Mormon community at that moment, just as it had done in 1857, during the Buchanan war.

General Wells, however, would have been perfectly safe at Camp Douglas, in the hands of that gallant, honorable soldier, General Morrow, whose guest he was on the Sabbath, rather than a prisoner, and at whose table he ate with the General and Mrs. Morrow, at whose respectful request the honored prisoner asked a blessing over the food.

But as before observed, Judge McKean on this occasion took the proper view of the case of bail, for once at least upon such a charge. The peace, good order and safety of Salt Lake City needed the presence of its mayor, as Mr. Baskin would have found in those days, had the acts of Carthage jail been attempted with these Mormon leaders.

The prosecution had during the past months given a fair preliminary to such business, and righteous American statesmen and the soundest American journalists, as we have seen, had not hesitated to say as much.

On Monday, November 20th, the case was called up in court of the People *vs.* Brigham Young, sen.

Mr. Baskin said the prosecution were ready to proceed with the case.

Counsel for defence asked for the postponement of the case till the March term, according to previous expectation, based upon the promise of the court, implying the grant of time to both sides till the March term.

Mr. Baskin said it was known only from public rumor that the defendant had gone outside the jurisdiction of this court, and the prosecution should demand a showing and a forfeiture of his bonds in case of non-appearance.

Mr. Hempstead said President Young will be ready for trial whenever the court shall set down his case; with the understanding of his counsel that a reasonable time would be granted for trial, the defendant had taken his usual winter journey to the south for protection of his health against the severity of the climate.

Mr. Baskin rebuked the counsel for so advising the defendant.

The court said it would take the request for further time into consideration.

The case was called up again on Monday, the 27th.

Baskin said he should insist upon the default of the recognizance.

Judge Snow said the counsel for defendant would only ask a reasonable time to bring him here.

BASKIN—"I insist that I am now entitled to a forfeiture of the bond."

Mr. Hempstead said that if the gentleman was really honest in his desire to have the forfeiture of the bail of the defendant, he (Hempstead) could not believe

it was for the purpose of having it heralded to the world that Brigham Young had forfeited his bail and fled from justice. The counsel reviewed the ineffectual attempts which the defense had made early in the term to have a day fixed for trial. No bail had ever been forfeited under such circumstances. No defendant is expected to appear in court-room from day to day to await trial. The forfeiture would be unjust under such conditions. If the court could not continue the case until the March term, the defense would ask for a day to be set as far in advance as possible.

Baskin contended that the bail had been legally forfeited, and that this case should be treated by the same rules as any other case. The defendant was bound to hold himself within the jurisdiction of the court, but since the indictments for several murders had been found against him he had disappeared. According to his counsel's statement he was three hundred miles away, and he may be out of the jurisdiction of the Territory. He had not only technically but literally violated his bond, and the forfeiture was asked because it was a legal right. The court cannot take the word of the counsel to account for the absence of a defendant who has absconded. The counsel has no legal right to advise a prisoner to leave the jurisdiction of the court. The prosecution would be ready to open up when the accused should appear and purge himself of contempt.

The judge said he would not grant the motion but fix Monday next, December 4th, at 10 o'clock A. M. as the day for the trial of the case.

The counsel for the defendant said they could not probably be ready at that time and asked for two weeks. The defendant could not be brought to the city in a week. The Judge said the counsel should have considered these things before, and cut off all further objections with the remark: "The day of the trial has been fixed for a week from to-day."

On the day set for the trial, the new U. S. district attorney, Bates, was present, and, having presented his commission, took the oath of office.

In the case of the People *vs.* Brigham Young, on motion of Mr. Bates, defendant was called, and, not appearing, a motion was made to forfeit his recognizance, against which Mr. Hempstead entered his protest.

Finally the Judge adjourned the court to the 9th of January, refusing to grant the motion to forfeit the recognizance of defendant; and Mr. Bates stated that on the 9th of January he would call up the case of the People vs. Brigham Young, and press it for trial.

At about this time a change came in the action of the department of justice in these Utah prosecutions, and fair minded men of the nation demanded of the U. S. Government that it should stop the disgraceful and illegal proceedings of McKean's court. The influence of Senator Morton was probably the first and most potent brought to bear in this matter, and immediately thereafter Senator Lyman Trumbull threw the weight of his name and statesmanship in the same direction, which resulted in Baskin and Maxwell being superseded by the appointment of a new U. S. district attorney and earnest efforts by the Attorney General Akerman and Solicitor General Bristow to purge the U. S. courts of Utah of the flagrant misrule that had brought the censure of Republican statesmen of the character of Morton and Trumbull, and finally resulted in the setting aside of two

years of McKean's doings, as illegal, by the august decision of the Supreme Court. The arrival of Senator Morton and party in Salt Lake City has been noted, and the part which Grace Greenwood took with our citizens in the relief of the Chicago sufferers, sufficiently suggest the free and frank exchange of views that passed between Senator Morton and his friends with the Mormon leaders and their course relative to the pending affairs of Utah. During the argument of the motion to quash the indictment against Brigham Young, Senator Morton, being a cripple, was carried up into Faust's Hall, where McKean was holding court, and where Newman had preached to a Methodist congregation on polygamy. On this occasion (the writer was present) Senator Morton had an excellent opportunity to appreciate the doings of the court and the methods of its law officers; for though the judge realized in whose presence he sat and was quite embarrassed occasionally, the prosecuting attorneys were not at all abashed but rather did their very best after their peculiar style, while Hon. Thomas Fitch and Charles H. Hempstead, the former U. S. prosecuting attorney, were eloquent and legitimate in their defence of President Young as against his indictment upon the statute in question, for unlawful cohabitation, while they confessed rather than hid the fact that their client's case was that of polygamy. Fitch's argument was a masterly legal effort and a magnificent display of oratory.

Something of the results of this afternoon in court, with Chief Justice McKean and his prosecuting attorneys in the presence of Senator Morton and his friends, will be appreciated by the reading of the following letter from the pen of the Morton visiting party.

"ON THE PACIFIC ROAD,
"October 12, 1871.

"At 2 P. M. to-day we bade farewell to the Saints and sinners of the happy valley, and were soon whirled away to Ogden, where our car was attached to the Central Pacific train for San Francisco. The pending and impending troubles in Utah absorb all other considerations concerning this region, and I shall make them the subject of this letter, and try to view the Mormon question, as it is now presented to the public from the standpoint of the various classes immediately interested in its solution.

"The Mormons of the Territory number nearly one hundred thousand souls, and in all that pertains to their material well being are a thriving, prosperous people. They came to Utah twenty-five years ago, when it was Mexican territory, and after a toilsome march, during which they suffered great privations, they pitched upon Salt Lake Valley as their home. To-day the whole valley is a garden, and the small band that camped here have become a great people. They have lived at peace with the Indians; have maintained good order among themselves; they are sober, industrious, economical; they have no gambling hells, no houses of prostitution, no alms houses, no beggars, no vagrants; and, barring their peculiar institution and its deplorable results, are a model people. Their isolation for many years from the society of other peoples, compelled them to adopt the co-operative plan of industry and manufactures, and the fruit of their labors has accumulated in their own hands, until millions of wealth in lands, flocks, cities, villages, manufactures and merchandise are now owned and controlled by them.

It is quite right for Mormons to feel that they have a right to the peaceful enjoyment of these results—achieved as they have been, by their own unaided efforts—in the face of continued and bitter persecution, and in spite of obstacles that would have daunted a people less courageous, or if you please, less fanatical than they. Recent events have convinced the Mormons that there is a settled purpose on the part of the Federal authorities in Utah to force a collision that will result in their expulsion from their chosen land, and there is a growing feeling of suspicion and distrust throughout the Territory, which, if not soon allayed, will most surely lead to the most dreadful consequences. After a full and free conference with the leading Mormons, Federal officers and business men of Salt Lake City, we predict that a dreadful civil war will soon be raging in this fertile region, resulting in the loss of thousands of lives, the expenditure of millions of public treasure, and the complete devastation of one of the most beautiful and thriving regions on the continent, unless the administration interferes with the schemes of the petty lords of misrule, who are doing their utmost to bring it about.

"It is unfortunate for the nation that it is in the power of such men as Judge McKean and the deputy district attorneys, Maxwell and Baskin, to precipitate a collision between the Federal authorities and the Mormons, in a contest in which the Government occupies a false and untenable position. If an issue is to be made and settled in the courts between the U. S. authority on the one hand and polygamy on the other, concerning the lawfulness of the practice, it is of the utmost importance that it be fairly made and impartially tried, with full preparation for the probable results. We are convinced that the pending prosecutions are conceived in folly, conducted in violation of law, and with an utter recklessness as to the grave results that must necessarily ensue. How does the matter stand? There is a vacancy in the office of United States district attorney for the Territory of Utah. Judge McKean has appointed two lawyers, Maxwell and Baskin, to act as deputies. These deputies boast that they have instigated the prosecution and assume great credit for the disingeneous trickery by which they hope to force a conflict whose consequences they have not the capacity to measure or understand. It is much to the credit of President Grant's administration that these deputy prosecutors arrogate to themselves the entire credit of conceiving the disreputable trick to which they have resorted to effect their purpose. Let it be understood that the indictments pending are not based on the act of Congress of 1862, defining and providing for the punishment of bigamy, but upon Section 32 of the Territorial laws of Utah. * * * The indictment against Brigham Young charges him with violating this statute by living with his sixteen wives. By no recognized rule of interpretation can polygamy be punished under this law. The law itself was passed by Mormons who taught and practiced polygamy at the time, and it was clearly intended by its framers to punish prostitution and fornication in cases where there was no claim or pretense of marriage. However illegal, the Mormon marriages are *de facto* marriages, and were not contracted in violation of this statute. That they are contrary to the act of Congress is clear, and they should be attacked, if attacked at all, by the United States authority under that law. To use the Federal tribunals for the punishment of polygamists, under the Territorial act, is a manifest perversion of the law, if it is

anything more than a piece of disreputable trickery, conceived and carried on in the interest of a gang of unscrupulous adventurers. If the United States desires to wage war upon Mormon polygamy, let it be done in an open and dignified manner, and not in the pettifogging style which has thus far characterized the prosecutions in Judge McKean's court in Salt Lake. No good citizen of the United States can have any sympathy with polygamists. It is a doomed institution, and it must disappear from our social system; but all good people are interested in having its destruction brought about by methods stern and effective, if need be, but so ordered that the judgment of the civilized world shall approve them.

"I shall endeavor in another letter to speak of the probable and apprehended results of a speedy trial, conviction and imprisonment of Brigham Young in the pending case.—*F. Editorial Correspondence Indianapolis Journal.*

Commenting upon the foregoing letter the Salt Lake *Herald* said:

"We place before our readers the deliberate utterances of Hon. Mr. Fishback, the social and political friend of U. S. Senator Morton, the leading republican editor of Indiana, the Boswell of that statesman who more potently than any other public man influences the administration at Washington and the policy of the Government. It is folly to say that the opinions expressed by Mr. Fishback are only the opinions of an intelligent observer; though even this assertion is a heavy blow to those officers whose hatred and zeal outrun justice and discretion. The deliberate utterances of this gentleman are vastly more than this. They signify that however strong may be the determination of the President of the United States and his cabinet to bring real or fancied offenders in Utah to punishment, no partial, unjust, unfair or illegal practices will be encouraged, even to effect that result. We know that President Grant desires to say in his message to Congress five weeks hence, that polygamy is virtually dead, but we know also, that he believes in the good sense of the American people and the power of the Government, to accomplish legitimate ends without resorting to foul aspersions upon individual character, to false charges unsusceptible of valid proof, or to tricks which are clearly unbecoming in a great government and its officers. We have already seen something of the result of the visit of Senator Morton to this city, in the public sentiment of Sacramento and San Francisco, in each of which places his views were listened to with that attention which the utterances of so able and distinguished a statesman are bound to secure; and an echo of which has been heard in the columns of the leading papers of the Pacific Coast. We have no serious fears of the result, whenever the facts of the case can be fairly represented and dispassionately weighed; and we see clearly that the visits of eminent men and women, distinguished in public affairs, in literature and as journalists, are likely to secure from the intelligent reading public such an exercise of judgment as will prove unfavorable to the acts of vicious, intolerant partizans. The leading papers of the country, of all shades of political sentiment, come laden with criticisms and denunciations of the course now being pursued by officers of the Government here. The sober, second thought of the people will be found opposed to all tricks and shams in the sacred name of Justice."

## CHAPTER LXIV.

PRESIDENT YOUNG RETURNS AND CONFOUNDS HIS ENEMIES. HIS PRESENCE IN COURT. JUDGE McKEAN REFUSES $500,000 BAIL. BRIGHAM A PRISONER. IMPORTANT CORRESPONDENCE BETWEEN THE DISTRICT ATTORNEY AND THE ATTORNEY-GENERAL. SUSPENSION OF CRIMINAL TRIALS.

At half-past two o'clock, Wednesday, January 2nd, 1872, President Brigham Young, accompanied by Messrs. Fitch, Hempstead and others of his counsel, and a host of prominent citizens, entered the court room where Chief Justice McKean was sitting in chambers to hear an application by President Young's counsel for the admission of their client to bail. When the doors were open the court room was at once filled to overflowing, and a large number of the gentlemen of the bar were in attendance.

Mr. Hempstead addressed the court, stating that the defendant, Brigham Young, sen., who had been jointly indicted with other parties for murder, was now present in the custody of the U. S. marshal, and his counsel appeared to ask for the exercise of that sound discretion which had been invested in the courts of the United States upon an application for the admission of their client to bail. The question as to this discretion had already been fully argued and decided by this court, and bail granted in the case of Daniel H. Wells, Mayor of Salt Lake City.

At the time of issuing the warrant for the arrest of the defendant, he was at a distance of 300 miles from this city; and in the dead of winter, through the terrible storms and almost impassible roads he has returned here in obedience to the warrant of the court. He is seventy-one years of age; his health is poor, and a protracted imprisonment would seriously jeopardize his health, if not imperil his life. The object of bail is to secure the attendance of a prisoner. It is customary to grant bail where it is regarded as a sufficient security for the attendance of the defendant.

A certificate from the defendant's medical attendant, Dr. Anderson, dated the 2nd day of January, 1872, was read, to the effect that the defendant is over seventy-one years of age and in very feeble health, and that confinement would certainly be very injurious to his health and might prove fatal.

The counsel also called the attention of the court to the pending motion to quash the indictment in the case of Brigham Young, William Kimball and others, which motion was also applicable to the indictment upon which this defendant was now under arrest. A delay in the decision of this motion, or a decision in the affirmative, would subject the defendant to a lengthy imprisonment.

U. S. District Attorney Bates said there was no doubt at all that in the

United States courts under the old statutes all parties may be admitted to bail. We have seen this course followed in other cases equally important with this one. Aaron Burr and Jefferson Davis were both admitted to bail. As the sole representative of the Federal Government the district attorney said he asked only that this defendant should be treated as all others are treated, and that his presence should be fully guaranteed at the time appointed for his trial. The circumstance that he is here in obedience to the mandate of the court should be considered, as well as another grave and humilating fact that the government has not within the Territory a jail or other place to confine its prisoners. It may also be remembered that he is an old and feeble man, whose health might be injured by a long confinement. He asked the court only to exercise its discretion in the premises, but if he decided to admit the defendant to bail, he should insist that the amount be fixed in the sum of $500,000.

Mr. Fitch said that while the defense would bow to the decision of the court, and were ready to give whatever bail might be demanded, he regarded the amount suggested by the district attorney as unprecedented in American criminal history. The bail of Jefferson Davis for the high crime of treason was only placed at $100,000 by the Chief Justice of the United States, and the counsel for the defense could not let such a suggestion pass without a challenge and objection.

Judge McKean said:

"The Government of the United States has no jail in this city for holding prisoners who are arrested on process issued from the United States courts: the marshal is therefore required to exercise the discretion which the law vests in him. Sometimes such prisoners are kept at Camp Douglas, but the military commander of that post is not obliged to receive them. The defendant now at the bar is reputed to be the owner of several houses in this city. If he shall choose to put under the control of the marshal some suitable building in which to be detained, it will be for the marshal to decide whether or not to accept it. It is at the option of the defendant to say whether or not he will make such offer, and equally at the option of the marshal to say whether or not he will accept it. In any event, where or however the defendant be detained, the marshal will look to it that his every comfort be provided for, remembering that the defendant is an old man. I decline to admit the defendant to bail."

The proceedings ended. A large number of persons pressed forward to shake hands with President Young as he retired in charge of the U. S. marshal.

The appearance of President Young in court overwhelmed those gentlemen of the prosecution and the press who had so freely and publicly boasted that Brigham Young was a fugitive from justice, and would never again be visible in Salt Lake City, which he had founded. Here in the chief city of the Mormon Zion Brigham had reached the summit of his glory and power after having successfully accomplished the most wonderful colonizing work of modern times. Here in Salt Lake City he had spent nearly a quarter of a century of the best years of his life directing that matchless band of pioneer State-founders who followed his lead and surrounded by the thousands emigrated by the plans of which he was the chief designer, and by whom he was venerated as but few men have been in all the centuries down to his day. Yet U. S. Prosecuting Attorney Baskin had positively

declared to the court that Brigham Young was a fugitive from justice, that he would never again be seen in Salt Lake City unless brought here by the officers of the law; and upon this presentation of the case the U. S. prosecutor claimed the forfeiture of Brigham's bonds. This view had been repeated with emphasis in the local anti-Mormon papers, sent broadcast through the country in associated press reports and in the correspondence of Oscar G. Sawyer, editor of the Salt Lake *Tribune*, to the New York *Herald*, and reproduced in so many newspapers east and west until the public began to settle down to the same views. During the last two months the Mormon citizens had been constantly insulted not only in the court and through the anti-Mormon press by such affirmations, but personally often insulted on the street, and a doggerel song was sung in the city with much anti-Mormon applause, running thus:

"Where now's the Prophet Brigham?
Where now's the Prophet Brigham?
Down in Kanab;
By and bye we'll go and fetch him,
Down in Kanab."

No wonder then that the appearance of Brigham Young in court humiliated his enemies and gave cause of great pride and rejoicing among his personal friends and religious followers. The Salt Lake *Herald*, elated with the exultant feelings of the occasion, said:

"Yesterday these distinguished persecutors, though false prophets, had the pleasure of gazing upon the countenance of the man about whose movements and motives they had so sagely prophesied. Naturally they took a good look at his countenance. Could this be a sham appearance? Was it not a counterfeit Brigham come into court to cheat them of their prey? No; they were too familiar with the calm, kindly and genial face of this venerable man, who had come here in open day to face his persecutors—had come through tempests and torrents and snow-slides, a distance of nearly four hundred miles, to show the little terriers who had been barking at him, that strong in the conviction of justice and right he had faith in the ultimate verdict of the people, and in the protecting care of that providence in whose trust he had never been deceived through a long and most eventful career.

"Again have the enemies of President Young and of his people been disappointed in their fondly cherished expectations, and we believe that they are destined to more grievous disappointments in the future. Every fresh discomfiture to them is a triumph to the people whose representative he is. We say this in no captious spirit, and without intention to provoke resentment. We can afford, in view of the reasonable triumphs of the past year to the cause of honesty, justice and equal rights, to be lenient and forbearing. There have been dark days; there may be darker days for us in the future; but through all and above all, the sunlight of truth will shine brightly and the persecuting enemies of a free, brave people, and the false prophets who prophesy evil things concerning us will be utterly discomfitted:

"'For ever does truth come uppermost,
And ever is justice done.'"

In the court, on January 9th, U. S. Attorney Bates, under the advice and di-

rection of the Attorney-General of the United States, nominated and appointed James L. High as deputy U. S. attorney.

Mr. Bates then stated that he had, on examination of the circumstances surrounding his position and the duties he was expected to perform, discovered that there were no funds provided to pay the fees of jurors or witnesses, nor the contingent expenses of court; a fact of which he had promptly notified the Attorney-General by telegraph. He had also desired the assistance of associate counsel and telegraphed for permission to employ Mr. Baskin in conjunction with General Maxwell, advising the department that it was impossible for him to prepare these cases for trial without such assistance. In answer to a letter of his of December 4th, he had received the following:

"DEPARTMENT OF JUSTICE,
WASHINGTON, December 14th, 1871.

"*George C. Bates, Esq., U. S. Attorney, Salt Lake City, Utah.*

"SIR—I have received your letter of the 4th instant and have called the attention of Senator Cragin to the difficulty in regard to funds; and I trust Congress will afford some prompt relief.

"Very respectfully,
"A. T. AKERMAN, *Attorney-General.*"

A bill was prepared for the purpose and reported to the Senate by Senator Cragin. In reply to the telegram asking the appointment of Mr. Baskin, Mr. Bates received this letter:

"DEPARTMENT OF JUSTICE,
WASHINGTON, December 20th, 1871.

"*George C. Bates, Esq., U. S. Attorney, Salt Lake City, Utah.*

"Your letter of the 10th instant is received.

"I have answered by telegraph that you are at liberty to employ Mr. Baskin, and I herewith enclose a commission for him.

"Under the circumstance I do not feel at liberty to employ other additional counsel. The Government ought not to show any unseemly zeal to convict Brigham Young; and the addition of two lawyers to the regular professional force of the Government in Utah might have that appearance. The propriety of the employment of Mr. Baskin is obvious, he having prepared the cases.

"In answer to your other letter of the same date, I have to say that it seems to me wrong in principle to covenant with regard to bail, while the accused is absconding. When a man submits himself to the law, it is time enough to consider what amenities he may receive under the law. Should Mr. Young be arrested, the question of bail will be altogether a judicial one to be decided by the court upon the principles which would operate in the case of any other accused party.

"Very respectfully,
"A. T. AKERMAN, *Attorney-General,*"

Mr. Bates continued pressing the necessity of means upon the department, showing that Marshal Patrick was not only without means for the purposes required, but had advanced over eight thousand dollars for government use. On this subject the following communication had been received by him:

"DEPARTMENT OF JUSTICE,
"WASHINGTON, December, 20th, 1871.

"*George C. Bates, U. S. Attorney, Salt Lake City, Utah.*

"SIR—Your letter of the 11th instant is received.

"I am troubled on account of want of funds to carry on the Territorial prosecutions. The accounting officers of the treasury, adhering to usage, do not feel at liberty to allow the marshal credit for expenditures for prosecutions under Territorial law. This is perhaps inconsistent with the just deduction from the recent decisions of the judges in Utah.

"As the only thing I can do to help you, I have made the matter the subject of earnest representation to the chairman of the Territorial committees in Congress; and I will communicate to them the contents of your last letter.

"Very respectfully,
"A. T. AKERMAN, *Attorney General.*"

And under date of a week later still another, as follows:

"DEPARTMENT OF JUSTICE,
WASHINGTON, Dec. 27, 1871.

"*George C. Bates, Esq., U. S. Attorney, Salt Lake City, Utah:*

"SIR—I have received several letters from you on the subject of the expenses of the courts of Utah in Territorial prosecutions.

"In consequence of the construction hitherto followed by the accounting officers of the Treasury, I have no power to provide the necessary funds. I have done the only thing that seemed possible in the matter, which was to bring the subject to the attention of the committee on Territories in the two houses of Congress and to urge prompt action.

"Very respectfully,
"A. T. AKERMAN."

Mr. Bates also addressed a circular letter to senator Trumbull, chairman of the senate judiciary committee, which reads thus:

"U. S. DISTRICT ATTORNEY'S OFFICE,
"SALT LAKE CITY, UTAH, Dec. 30th, 1871.

"*Hon. Lyman Trumbull, chairman judiciary committee of the Senate:*

"SIR—It is my duty, as the United States district attorney for this Territory, to ask, through you, and your committee, advice and instruction upon the following points:

"I. Under the decisions of the supreme court of this Territory, (from which there is no appeal) all felonies committed within its limits are offenses against United States laws, to be punished only by United States courts, their processes to be levied by the United States marshal, and prosecutions conducted only by me as the United States district attorney; and, of course, all expenses of the trials must be paid out of the U. S. treasury, if paid at all.

"II. Under the Territorial courts, as such, the officers of the several counties are all Mormons, who i is said, will not punish their fellows or leaders for high crimes at all, and do frequently punish Gentiles unjustly and unfairly; and so

unless the United States courts prosecute criminals, anarchy must soon exist here, and neither life nor property will be safe.

"III. The United States comptroller, disregarding the ruling of our supreme court here, decides that all these offenses are against Territorial laws, to be punished only in Territorial courts by the Territorial officers thereof, and that the United States treasury must not and shall not pay a penny of these costs; the result of which is that all jurors and witnesses' fees and contingent expenses of these courts for the last year are unpaid, and there is not a cent to pay them for either the past or the future.

"IV. January 9th, 1872, is set by the court for the trial of Brigham Young and others for murders and other crimes, and twenty other criminal causes are assigned for that time; and I, as U. S. district attorney, am required to try these great causes, while there is no money to pay either the jurors, witness fees, or any of the contingent expenses of the court, such as rent, fuel, lights, etc. How can I go to trial without witnesses and jurors? And how can their attendance be secured without money?

"V. A grand jury is required forthwith, in the First District, to investigate several murders, castrations, and other horrid crimes, and a venire is ordered; but the marshal has no money to serve it, the witnesses and jurors will not come into court unless paid therefor, and we have no money to pay them. What must I do under these circumstances?

"VI. The United States have no jail, penitentiary or place to keep safely their criminals, except Camp Douglas, and the cost of keeping them there and transportation to and from the courts makes a rapidly accumulating debt for some one to pay, which already amounts to $15,000, a large part of which has been advanced by the present marshal, and is due now to him, and to jurors and witnesses.

"VII. Under these circumstances, I see no other course for the Government to pursue than to provide money instantly to pay all jurors, witnesses and the daily expenses of prosecution of these great crimes, or to order them all dismissed forthwith from the United States courts. Am I right? Please answer.

"GEO. C. BATES,
"*U. S. District Attorney.*"

The district attorney then read the following letter received from Solicitor General Bristow:

"DEPARTMENT OF JUSTICE,
"WASHINGTON, Dec, 25, 1871.

"*My Dear Sir:*—Your several letters relative to the business of your office have been turned over to the attorney general, with request that he give you all possible support and assistance, which, I am happy to say he will do most cheerfully. I do not see how the matter of compensation can be satisfactorily adjusted without further legislation. It seems that while your court holds it to be your duty to prosecute parties charged with violations of Territorial statutes, the comptroller, who settles the accounts of district attorneys and marshals, holds that the United States cannot pay the expenses of such prosecutions under existing statutes. Thus we have a deadlock which no power but Congress can unlock.

"If it should ever happen that I can serve you, I trust you will not hesitate to command me.

"With my best wishes for your personal and professional success, I am,

"Very sincerely, your friend,

"B. H. BRISTOW.

"*Gen. Geo. C. Bates, Salt Lake City.*"

In continuation, the district attorney said he believed he was justified in stating that no provisions would be made by the Territorial Legislature to carry on these prosecutions; and in the name of the attorney general and by his order, he applied for a continuance of these cases until the second Monday in March, by which time it was hoped that Congress will have provided the necessary means to carry on these prosecutions. He also hoped the Territorial Legislature would see the propriety of providing funds in order that their leaders might be vindicated if unjustly accused, and punished, if guilty, of the high crimes charged against them.

He further stated that he was ordered forthwith to report to the attorney general, at Washington, that that official might be fully advised of the condition of affairs here.

The court then announced that all criminal causes and all civil causes to be tried before a jury would be continued until the next regular term of court, commencing the second Monday in March.

## CHAPTER LXV.

GREAT POLITICAL MOVEMENTS IN THE CITY IN THE SPRING OF 1872. GOVERNOR WOODS VETOES THE STATE CONVENTION BILL. THE PEOPLE ELECT THEIR DELEGATES NOTWITHSTANDING. SALT LAKE COUNTY ELECTS NINE GENTILES AND TEN MORMONS TO THE CONVENTION. S. SHARP WALKER DECLINES. ARRIVAL OF THE JAPANESE EMBASSY. THE CITY PAYS HOMAGE TO THE ANCIENT EMPIRE. GRAND RECEPTIONS OF THE EMBASSY.

In the spring of 1872, political movements were made and a series of political events occurred, the most interesting yet developed in the whole of Utah's political career. It was in the action of the old leaders of the community, combined with certain influential Gentile politicians and statesmen, to organize a State with such a constitution as might be acceptable to Congress—indeed a State constructed upon such a model plan, and inspired with so true an American genius, as actually to provoke the admiration of members of Congress and induce admission to the Union. Not in the whole history of State founding in America has there been

work better wrought than was that of the Utah State convention in the beginning of the year 1872; and, had it been allowed to stand, it would have legitimately solved the Utah problem. Moreover the movement would have given a fair distribution of the functions and emoluments of the State into the hands of the Gentiles—given to them in fact more than their due share, by the very will and consent of the majority, for not only was it designed to endow them with some of the highest and best offices in the State, but to send to congress two Gentiles and one Mormon. Of course the whole family of "carpet-baggers" would have been disposed of, and political adventurers and anti-Mormon disturbers would have lost their day of opportunities in the virgin State.

The initial action for the State was in the passage by the legislature, then in session, of the Convention Bill, but which was disposed of by the veto of Governor Woods.

The veto was expected, and the people fell back upon the primary, which is the proper origin of constitutional government and State work.

On the 3rd of February, 1872, a mass meeting of citizens was held in the old tabernacle to nominate candidates for the State convention. Mayor Daniel H. Wells on behalf of the committee appointed by the meeting to select names, reported: Orson Pratt, David E. Buell, Wm. Hayden, Albert Carrington, Aurelius Miner, Thomas P. Akers, Thomas Fitch, John Sharp, P. Edward Conner, A. P. Rockwood, Reuben Miller, E. D. Hoge, Wm. Jennings, Frank Fuller, Geo. Q. Cannon, S. Sharp Walker, John T. Caine, Z. Snow and Hadley D. Johnson. These names being put to the meeting by the chairman were elected by acclamation. Of these nineteen delegates for Salt Lake County, ten were Mormons and nine Gentiles. Hon. Thomas Fitch, being called for, made a stirring speech. He said:

"It had once before been his fortune to receive a nomination for delegate to a convention to form a State constitution. That was in Nevada, and the prospects of a State goverment there, at that time, looked less promising than they do here now. The people of Nevada but a short time before had voted down a State constitution almost unanimously, and the convention met, with the the press ridiculing it and the people advising its members to adjourn and go home. And yet in a few short months, a revolution in public sentiment was effected and the people by an immense majority, voted to adopt a State government. They felt unable to endure the expense, but they felt more unable to endure the rotten Territorial courts. They made a sacrifice in order to attain self-government. What concessions or surrenders the people of Utah might elect to make in order to have the privilege of choosing all their officers, he would not venture to predict, but this movement for a State government was an earnest movement and not a mere farce as had sometimes been said.

"The Potter amendment to the apportionment bill did not disturb him. Congress had been known to repeal its laws, to change its mind, to vote on Monday, as an abstract proposition that it would not pass any law of a certain class, and on the succeeding Friday pass such a law. The law prohibiting the admission of new States with less than a representative population did not go into effect until March, 1873. Utah might be admitted before that time, or upon a census being taken it might be demonstrated that she had the population.

"He said in conclusion, that he wished no person to vote for him as delegate under a misapprehension. If elected he would give his earnest effort toward framing a constitution of State government that should recognize the toils and sacrifices and services, and protect the rights and interests of the pioneers, who had built up a prosperous community in the wilderness; but he would also have that constitution provide for the necessities and interests of young, progressive Utah. He would endeavor, if elected, to help frame a constitution that should assimilate the social and political life of Utah to that of all the other States; and that would aid to render her institutions homogeneous with theirs."

These utterances of the Hon. Thomas Fitch, who had served the State of Nevada in Congress, signified, for himself and Gentile compeers, that they were not about to engage in the work of setting up a "Mormon State," nor an anti-Mormon or Gentile State, but a proper American State.

Mr. S. Sharp Walker, whom the Liberal party at that moment hastened to place on their municipal ticket for mayor of Salt Lake City, published in the *Tribune* his card

"TO THE PUBLIC.

"Being entirely opposed to the admission of Utah as a State at the present time, I respectfully decline to take any part in the convention.

"S. SHARP WALKER."

General Barnum was substituted, but as the precincts in other parts of Salt Lake County could hardly be aware of Mr. Walker's declination, the election being so close after the nomination, it was doubtful, before the returns came in, which of the gentlemen would be elected; the returns, however, from twelve of the precincts of the county gave to E. M. Barnum 2,035, S. Sharp Walker 1,747. The total for the State in these precincts was 3,803 and one against it. The anti-State, or Liberal party, cast no vote on the question. Orson Pratt received the 3,803 votes, so did Judge Haydon, John T. Caine, and Hadley D. Johnson; Thomas Fitch 3,798; P. Edward Connor 3,791.

The political action of the time was pleasantly relieved by the arrival in our city of princely representatives of the ancient empire of Japan, accompanied by U. S. Minister, De Long.

The committee of reception appointed by the city authorities to meet and welcome the Japanese embassy proceeded to Ogden by special train on Sunday morning, February 4th, reaching there before 8 o'clock. About 9 o'clock the embassy arrived, and after breakfast the formal introduction took place, Judge Haydon on the part of the committee announcing that they met the embassy in the name of the chief magistrate and civil authorities of Salt Lake City to tender them welcome. Prince Iwakura briefly responded, saying he had heard of the progress made of the people of Salt Lake, and was pleased at the opportunity of seeing the city. Similar compliments passed between the committee and Hon. Charles E. De Long, U. S. Ambassador of Japan. The embassy and committee entered the cars of the Utah Central and arrived in the city about noon, when they proceeded to the Townsend House.

According to published notice the Japanese Embassy held a levee on Tuesday

morning, Feb. 6th, in the City Hall. Shortly before 11 o'clock, Mayor Wells and some of the reception committee proceeded from the City Hall in carriages and met the embassy, with whom they returned and conducted to the room occupied by the House of Representatives, while the numerous officials and gentlemen to be presented remained in the Council Chamber until the embassy were seated, when they were ushered in by the committee on reception.

Mayor Wells then read the following address:

"To your excellency Sionii Tomomi Iwakura, ambassador extraordinary from the court of Japan, and Jussammi Takayossi Kido, Suseammi Tossimitis Okuba, Jushie Hirobumi Ito and Jushie Massouka Yamagutsi, vice-ambassadors:

"In behalf of the people of Salt Lake City, we extend to you, as the honored representatives of a friendly nation, a cordial welcome to our midst.

"You will not find here those palaces of industry and trade which elsewhere on your journey will excite your attention and admiration; for this is a community of pioneers, dwelling in the heart of the North American continent, and its life and achievements have been wrested from the desert during the last twenty-five years.

"Our warmest greeting is at your disposal. We have heard of your ancient and populous empire with its wonderful history. In welcoming you, we greet not merely the honored ambassadors of a great nation, but the representatives of a policy which, we understand, seeks to surmount former barriers of exclusiveness and to place your country in relations of commercial and diplomatic intimacy with our own. Be pleased to receive again the assurances of our warmest welcome and most distinguished regard.

"In behalf of the authorities and citizens of Salt Lake City:

DANIEL H. WELLS, *Mayor.*

"S. W. RICHARDS, THEO. MCKEAN, GEORGE Q. CANNON, JOHN T. CAINE,
"WM. HAYDON, THOMAS FITCH, WM. JENNINGS, JOHN SHARP,
"*Committee.*"

Prince Iwakura, the chief ambassador, through indisposition, not being present, Vice-Ambassador Kido responded through Minister DeLong, and said:

"The members of the embassy desire to express their thanks for the kind reception which has been extended to them, and they hope to ever retain and maintain the friendly feeling which now exists between them and yourselves. They regret, exceedingly, that the chief ambassador is unable to be here to-day, and he desires to express to you, through me, that his inability to be present has deprived him of a great pleasure. He still hopes, before his departure from the city to be able to meet with you, but if he should be unable to do so he wishes that his views may be understood."

The introductions then commenced, Mayor Wells introducing Gov. Woods, who in turn continued the ceremony to the different Federal officials, and General Morrow presented the officers of the garrison at Camp Douglas; then followed the presentation of the members of the Legislature, city and county officers and prominent citizens.

After leaving the City Hall, the embassy, on invitation, proceeded to the mansion of Hon. Wm. Jennings and partook of refreshments. They next went

to the new tabernacle inspected the building and was highly pleased with the organ, which the builder, Professor Ridges, played, that they might appreciate its magnificent capacity and quality. The embassy then called upon President Brigham Young and had a pleasant interview, which lasted some time. At night the party attended the city theatre.

The next day on invitation of General Henry A. Morrow, the embassy, Governor Woods, the Territorial Legislature, the Federal officials, Mayor Wells, and a large number of other officials and prominent citizens paid a visit to Camp Douglas, where they were received by an artillery salute in honor of the embassy and one in honor of Minister DeLong. General Morrow and staff, accompanied by General Yamada, of the Japanese imperial army, then inspected the troops. After the review the distinguished visitors proceeded to General Morrow's quarters, where the Chief Ambassador Iwakura, who was able to attend, held a reception. General Morrow, in an eloquent speech, welcomed the embassy, as the representatives of a great and ancient empire; and congratulated Minister DeLong upon the success which had attended him in his official position.

Mayor Wells was the next speaker, and in a few appropriate remarks expressed his gratification on the meeting of so many representatives of one of the youngest and most vigorous, and one of the oldest and most famous of nations.

Governor Woods, and Mr. Lorenzo Snow, President of the Council branch of the Legislature, also spoke, and then Minister DeLong responded in behalf of the embassy. He regretted, he said, that the chief ambassador could not speak to them in their own language, for he was a great and a good man, an advocate and exponent of broad and progressive ideas; one who could appreciate the labors of the pioneers, before which the civilization of Asia had to give way."

A complimentary dinner was given by the ambassadors from Japan "on the first day of the fifth year of the reign of his Majesty, the Emperor of Japan," at the Townsend House, Feb. 9th, 1872. Besides the reception committee of the city, which met the embassy, there were a number of prominent citizens present.

Selecting such an occasion as the first day of their year for entertaining their guests was the highest honor which these Japanese dignitaries could confer upon the city.

## CHAPTER LXVI.

THE STATE CONVENTION AT WORK. THE CONSTITUTION OF NEVADA PREFERRED AS A BASIS. GENERAL CONNOR DECLINES HIS ELECTION AS DELEGATE. JUDGE HAYDON OPPOSES THE STATE AND MOVES THAT THE CONVENTION ADJOURN *SINE DIE*. HON. THOMAS FITCH'S REMARKABLE SPEECH FOR THE STATE, IN WHICH HE REHEARSES THE HISTORY OF THE JUDICIAL PROCEEDINGS IN THE U. S. COURTS OF THE TERRITORY OF THAT PERIOD, AND APPEALS TO HIS MORMON COLLEAGUES TO ABOLISH POLYGAMY.

On Monday, February 19th, 1872, a large number of the delegates elect assembled in the City Hall. Orson Pratt called the convention to order, and nominated Hon. Lorenzo Snow as president *pro tem*, who was unanimously elected.

The business of credentials over and the oath administered to the members, General E. M. Barnum was elected permanent president of the convention, and was escorted to the president's desk by Hons. Thomas Fitch and Frank Fuller.

Officers were next elected and pending the election of chaplain, Mr. Fitch offered a resolution that a committee be appointed by the president to wait upon clergymen of each religious denomination in the city to attend the convention each day, in turn, and offer prayer at the opening of the proceedings. The resolution was adopted.

Soon afterwards came a discussion on the basis of the constitution,—Mr. Miner recommended that of Illinois, adopted in 1870; Mr. Fitch that of Nevada. Finally Mr. Fitch's resolution was carried and the constitution of Nevada chosen as a basis.

Thirteen standing committees were appointed and then a communication was received announcing that Gen. P. Edward Connor had declined the election as delegate to the convention on the ground that he had been and is still a resident of the State of California, and consequently is not eligible to serve; and tendered his thanks for the confidence reposed in him as evinced by his election.

Judge Wm. Haydon of Salt Lake County, then moved that the convention adjourn *sine die*. He had been elected a delegate without being consulted and without his consent; and he was opposed to a State government.

Col. Akers said, he also had been elected without being consulted, but further than that he could not say anything in favor of the resolution. He did not propose to make a lengthy speech, but he thought Judge Haydon's position should be met by a show of reasons why Utah should have a State government; for if any Territory required a State government at the present time it was Utah. One thing would be secured by it—a harmonized judiciary. He did not undertake to hold the balance between the Federal and Territorial judiciary, nor to say which was right; but with their wranglings the law was falling into contempt. He proceeded

to advocate the necessity of the law being honored, saying where the judiciary itself pursues a course to bring it into contempt it strikes the severest blow against right and justice. A State government would infuse life into every industry of Utah. A man did not feel himself half a man until he enjoyed the right of self-government, which the citizens of the Territories, and especially of a Territory where the law is administered as in Utah, do not enjoy. The unparalleled development of the United States is due to the fact that its citizens are freemen, and as such put forth all their energies for progress and advancement. Utah has population enough; more than any new State admitted for the last decade has had; and the new apportionment bill of Congress does not take effect until 1873. The great secret of the opposition to Utah becoming a State was that the Mormon people would have control of it. He held that a constitution might be framed, embodying a provision acceptable to Congress, and Utah be admitted with a Congressional compromise, as was the case with Missouri when it was admitted into the Union.

Col. Buell was in favor of Utah having a State government because he believed it would give us peace at home and character abroad.

Mr. Fitch desired to give, at some length, his reasons why Utah should become a State, but postponed till the next meeting of the convention.

On the next day's session, the convention resumed the consideration of the motion of Judge Haydon, of yesterday, that this convention do now adjourn *sine die*.

Mr. Fitch took the floor and delivered his great convention speech, which is by far the most elaborate and weighty review of Utah affairs of that period extant. He said:

"If there be those within or without this chamber, who imagine that the members of this convention will be content to go through the form of constructing an edifice of State government without hope that such edifice will ever be occupied by a living tenant, they mistake the spirit of an earnest people and the purpose of their representatives.

"The object of this convention will not be accomplished until room shall be found upon our national banner for the star of Deseret; and the question which confronts us at the threshold of our labors is, will the necessities for a State government justify some effort and much sacrifice on the part of the people of Utah?

"An influential Mormon citizen said to me, not long since, upon his return from a trip east: 'I am satisfied that there is no safety for us without a State government, and that we can have no State government without concessions.' He stated the case with mathematical precision. There is no safety for the people of Utah without a State government; for under the present condition of public affairs, their property, their liberties, their very lives, are in constant and increasing jeopardy.

"Let us review the situation. About August, 1870, James B. McKean arrived here as chief justice of the supreme court of Utah Territory, and district judge of the Third Judicial District. From the hour of his arrival he has been the leading, controlling spirit of the existing movement against Mormon institutions. He is not perhaps an immoral man in his private life, and for the purposes of this

argument it is not necessary to inquire whether or not he is a corrupt man either in private or official transactions, but he certainly is that most dangerous of all public functionaries—a judge with a mission to execute, a judge with a policy to carry out, a judge panoplied with a purpose as in complete steel. Whether or not conscientiously, but with implacable and unswerving determination, he has steadily subordinated his judicial duties and his judicial character to the fulfilment of his mission and the execution of his policy. Motions are held under advisement for months, civil business accumulating upon the calendar, great mining cases are referred, or abandoned by disgusted litigants, and still the judge alternates between the business of an examining magistrate and the pleasure of thanking the grand jury for finding indictments. While possessing sufficient knowledge to comply with some of the forms of law, and sufficient personal courage to forward his plans, he is yet destitute of the spirit of impartial jurisprudence. We all know there is a class of minds which after many years of upright and dispassionate conduct, will, through lust of power, or gain of fame, or other inordinate aim, suddenly develop some insurgent quality which stops nothing short of morbidness, little short of insanity. It is for the prestige of his past that this man, notwithstanding his remarkable actions here, continues to receive the support of the Federal administration, while with some sincerity in the righteousness of his crusade, he wins for himself the endorsement of thousands of persons who only know that they desire polygamy shall be destroyed, and who do not ask the price or enquire 'how many Athenians are in mourning?'

"Whether or not this theory be correct respecting the cause, and it is the most charitable of any I can conceive, the result is the same. James B. McKean is morally and hopelessly deaf to the most common demands of the opponents of his policy, and in any case where a Mormon, or a Mormon sympathizer or a conservative Gentile be concerned, there may be found rulings unparalleled in all the jurisprudence of England or America.

"Such a man you have among you; a central sun; what of his satellites?

"The mineral deposits of Utah have attracted here a large number of active, restless, adventurous men, and with them have come many who are unscrupulous; many who are reckless, the hereditary foes of industry, order and law. This class, finding the courts and Federal officers arrayed against the Mormons have, with pleased alacrity, placed themselves on the side of courts and officers. Elements ordinarily discordant blend together in the same seething caldron. The officers of justice find allies in those men who differently surrounded, would be their foes; the bagnios and the hells shout hosannas to the courts; the altars of religions are invested with the paraphernalia and the presence of vice; the drunkard espouses the cause of the apostle of temperance; the companion of harlots preaches the beauties of virtue and continence. All believe that license will be granted by the leaders in order to advance their sacred cause, and the result is an immense support from those friends of immorality and architects of disorder, who care nothing for the cause, but everything for the license. Judge McKean, Governor Woods and the Walker Brothers and others are doubtless pursuing a purpose which they believe in the main to be wise and just, but their following is of a different class. There is a nucleus of reformers and a mass of ruffians, a centre of zealots and a circumfer-

ence of plunderers. The dram shop interest hopes to escape the Mormon tax of $300 per month, by sustaining a judge who will enjoin a collection of the tax, and the prostitutes persuade their patrons to support judges who will interfere by *habeas corpus* with any practical enforcement of municipal ordinances.

"Every interest of industry is disastrously affected by this unholy alliance; every right of the citizen is threatened if not assaulted by the existence of this combination. Your local magistrates are successfully defied, your local laws are disregarded, your municipal ordinances are trampled into the mire, theft and murder walk through your streets without detection, drunkards howl their orgies in the shadow of your altars, the glare and tumult of drinking saloons, the glitter of gambling hells, and the painted flaunt of the bawd plying her trade, now vex the repose of streets, which beforetime heard no sound to disturb their quiet except the busy hum of industry, the clatter of trade and the musical tinkle of mountain streams.

"The processes by which this condition of affairs has been brought about, as well as the excuse for invoking these processes, may here be briefly stated:

"In 1856, a great political party declared itself opposed to polygamy as a relic of barbarism; in 1860, that party achieved power in the nation; in 1862, an act of Congress was passed, the object of which was to suppress polygamy in Utah. This law was permitted to remain a dead letter on the statute books. The war suppressed rebellion, the problems of reconstruction growing out of that war, the proposed impeachment of President Johnson, the various exciting public questions of the day, diverted the minds of legislators and constituencies from the Mormon question; and not until after President Grant's inauguration did the anti-polygamic plank of the national republican platform loom up into national consequence. It was then observed that the anti-polygamic act of Congress of 1862, had never been enforced. The Territorial laws for drawing and empaneling juries provided, as in all other communities, for a selection by lot. Nineteen-twentieths of the persons eligible for jury duty in Utah were Mormons, who naturally declined to indict or convict their neighbors for a practice which was believed by all to be a virtue rather than a crime. The law prescribed one rule, the sentiment of the community where the law existed prescribed another. Similar conditions prevented the trial of Jefferson Davis for treason at Richmond; similar conditions made it impossible to convict a violator of the fugitive slave law in New England.

"The Forty-first Congress was asked to enact a law to meet the exigency and the Cullom bill was framed. The measure provided that the selection of jurors should be given to the United States Marshal, that polygamists and those who believed in polygamy should be excluded from the jury box, that the wife might be witness against the husband, that marriage might be proved in criminal cases by reputation, and that the statute of limitation should not be applied to charges of polygamy. The wisdom and justice of this sweeping measure were seriously questioned by the New York *Tribune*, and other Republican papers, and by such leading statesmen as Henry L. Dawes, of Massachusetts, and Robert C. Schenck, of Ohio; but the bill passed the House by nearly a party vote, and ifailed to become a law only because the United States Senate did not find time or nclination to consider it during the Forty-first Congress.

"After the adjournment of the second session of the Forty-first Congress, James B. McKean was appointed Chief Justice of Utah, and with military promptness he proceeded to establish as rules of law the propositions of the defeated Cullom bill. He decided in the case of Hempstead *vs.* Snow that the court over which he presided was a United States Court, that it was not a legislative, but a constitutional court, and that the Territorial prosecuting attorney was not, even when prosecuting offenders charged with violation of Territorial laws, the proper prosecuting officer of his court, but that the United States district attorney was such. He decided in the case of Patrick *vs.* McAllister that the Territorial marshal was not, in any case, the proper executive officer of his court, but that the United States marshal was such in all cases. He decided in another case that the Territorial legislature of Utah had no power under the organic act to prescribe rules for obtaining juries to try any cases in his court, and in prescribing rules himself for that purpose, he declined to consult the assessment roll or invoke the usual method of selection by lot, but he ordered an open venire to the United States marshal.

"Thus the first proposition of the defeated Cullom bill, that the marshal might pick, I will not say pack, the jury was decreed into existence. A temporary delay in starting the engine of prosecution was caused by a lack of fuel, the comptroller of the treasury declining to audit the bills for the expenses of this court thus elevated to a United States tribunal, and the Territorial officers declining to pay over Territorial funds to persons not authorized by Territorial law to receive them; but fuel was found somewhere, and the machinery began to move.

"In September, 1871, a grand jury was summoned by the United States marshal to attend the Third District Court of Utah, from the counties of Salt Lake, Tooele, Summit, Green River, Morgan, Weber, Box Elder, Cache and Rich, containing a population of 60,000 Mormons and 10,000 Gentiles, twenty-three grand jurors and seventeen talesmen were selected and summoned. Of these forty persons seven were Mormons and thirty-three were Gentiles. Each of the seven Mormons were examined on his *voir dire*, and to the question of U. S. district attorney Baskin, each replied in effect that he was a member of the Church of Latter-day Saints, that he believed that polygamy was a revelation to that church, that in his own case he would obey the revelation rather than the law. When asked the further question whether this belief in the revelation would affect the action of the juror in voting for or against an indictment for polygamy, some jurors replied that it would affect their action, others that it would not. The United States district attorney stated to the court that he intended to bring a number of accusations of polygamy before the grand jury, and challenged the seven Mormons for bias. Judge McKean sustained the challenge and dismissed the Latter-day Saints from the box. Thus the second proposition of the Cullom bill was established by the decree of Judge McKean. The seven Mormons whom the United States marshal had made a show of summoning were ruled off, and 60,000 people in the Third District deprived of the privilege of representation in the jury box.

"It is a fact worthy of notice that this grand jury from which Mormons were excluded because they believed in polygamy, never found a single indict-

ment for the violation of the act of Congress of 1862, and never, so far as known, sent for a single witness upon, or attempted to consider any accusation for polygamy. Indictments for 'lewd and lascivious cohabitation' under a rusty old Territorial statute were found by the score; indictments for murder committed fifteen or twenty years ago were found by the dozen, upon the unaided and uncorroborated testimony of a witness who confessed himself the principal in these murders; but the threat of 'indictment of polygamy' having fulfilled its mission by furnishing excuse to exclude Mormons from the grand jury was heard no more.

"I pass for the present from this grand jury to review the processes by which Judge McKean vitalized the abortive Cullom bill.

"A man named Thomas Hawkins had been indicted under a Territorial statute for the crime of adultery, and in October, 1871, he was tried before Judge McKean and a jury. Two or three Mormons, who chanced to creep on to the marshal's venire were asked if they believed in polygamy; to which question they replied, yes. They were further asked if they believed a man could be guilty of adultery who committed the act constituting that offense under a claim of plural or polygamous marriage; the reply was no; whereupon the district attorney challenged the jurors for bias, and the judge sustained the challenge and directed the jurors to leave the box; although there was not a line of pleading or record, nor a word of counsel or client by which the judge could judicially conjecture, much less know, that the defendant would set up any polygamous marriage as a defense to the charge of adultery.

"Hawkins was convicted on the sole evidence of his wife, who in despite of the protest of counsel, was permitted by Judge McKean to testify in the case, and thus the third proposition of the defeated Cullom bill, that a wife might testify against her husband was established by decree of the judge. Hawkins was subsequently sentenced to pay five hundred dollars fine and be imprisoned for three years—and he is now in the Territorial prison pending an appeal to the supreme court of the Territory. From present appearances he is likely to serve out his term, for his bonds pending appeal have been fixed at the sum of twenty thousand dollars, and his whole property would not suffice to pay his five hundred dollars fine. Judge McKean refused for three months to sign the bill of exceptions for Hawkin's appeal to the Territorial supreme court, on the ground that the bill was too voluminous, that it contained a record of all the proceedings in the case—proceedings reported by an official phonographic reporter appointed by himself. When the supreme court of the Territory met on the fifth of February, Chief Justice McKean presiding, the record of the Hawkins' was not quite ready, because the clerk had not had time to prepare it in the short period that had passed since Judge McKean had signed the bill of exceptions—whereupon the Chief Justice adjourned the supreme court until the third Monday in June next, I will not say to prevent the Hawkin's case being heard and reversed by his associates, although I understand that such is the view Hawkins takes of it. But there Hawkins is probably prejudiced: his recollection of some of the proceedings in his case not having increased his confidence in the impartiality of the Chief Justice. Let me refer to a few of those proceedings.

"The act of Congress governing the mode of procedure in criminal cases in

the courts of the United States, gives to the accused ten peremptory challenges to the jury against two accorded by the prosecution, while the Territorial law governing the mode of procedure in criminal cases in the Territorial courts gives the prosecution and the accused six challenges each. The act of Congress referred to bars all prosecutions for non-capital felonies (except forgery) not instituted within two years from the date of the offense, while the Territorial laws contain no statute of limitations. The Territorial laws provide that in non capital cases the jury which finds the man guilty may prescribe the punishment. The act of Congress is silent upon this subject and of course leaves the power of sentence, where in the absence of statutory regulation it would belong, with the judge.

"As Judge McKean had ruled that his was a United States court, the counsel for Hawkins asked the court to give their client the benefit of the ten challenges allowed by act of Congress. Judge McKean refused, and allowed only the six permitted under the laws of Utah. The defendant's counsel requested an instruction to the jury that the law of Congress protecting the defendant for acts committed two years before the finding of the indictment. Judge McKean refused because the Territorial laws prescribed no limit for prosecutions. The counsel asked the judge to allow the jury to fix the punishment as prescribed by the Territorial laws. He refused that also. He pursued the practice of a United States court when the jury was being selected; of a Territorial court when the jury were being peremptorily challenged. He pursued the practice of a Territorial court when the act of Congress would have limited the prosecution; of a United States court when the jury might, under Territorial law, have been more lenient in prescribing punishment than the exigencies of a great, burning 'mission' would warrant.

"What authorities were cited? What precedents invoked? What chain of reasoning offered to sustain these judicial usurpations?—none. The section of the statute of Utah under which Hawkins was indicted, and his wife permitted to testify against him, both before the grand and petit jury, reads as follows:

"'No prosecution for adultery can be commenced but on the complaint of the husband or wife.'

"The statutes of but few States make adultery a felony, and adjudicated cases upon such statutes are rare. In Minnesota, however, the statute on this subject is precisely the same as in Utah, and the supreme court of Minnesota in a case strikingly analogous to the Hawkins case, in the case of State *vs.* Armstrong, reported in the fourth volume of Minnesota supreme court reports, set aside a similar conviction obtained upon the testimony of the wife.

[Mr. Fitch quoted and applied the opinion.]

"Perhaps I weary the convention with all this, but as the necessity of a State government in Utah arises largely from the character and conditions of the courts of Utah, I have thought best to recite some of the history of judicial proceedings here that all may know the grievances of the people, and that those who sustain the course of Judge McKean may understand what it is they endorse. Perhaps the legal profession may criticize my action in reviewing before a public assemblage, the ruling made at a trial in which I participated as counsel. I can reply that the prosecution in these Mormon cases have constantly appealed to the pub-

lic for support. They tried their cases on the streets, in the newspapers, at public meetings, by petitions and over the telegraph wires by means of their leading adviser, the Salt Lake agent of the associated press, and I do but follow their example in presenting the matter to this convention. Let those who sustain Judge McKean by petition and mass meeting without knowing whether he is right or wrong, take heed less the hour arrive when they shall feel the need of courts where the voice of passion and public clamor cannot enter, and where those rules of law which the wisdom of ages has prescribed will not for any social or political exigency be set aside.

"Thus it will be seen that the four important provisions of the discarded Cullom bill, namely, no choice of jurors except by a United States marshal, no Mormon to serve on juries, the abrogation of the common law rule that a wife cannot testify for or against her husband, and the new doctrine that marriage in criminal cases can be proved by admission of the defendant, are all in successful operation. That legislation to meet a local difficulty in the way of enforcing the laws, which the United States did not deem it wise or expedient to enact, has been decreed and established by Jas. B. McKean. The course of procedure which Chief Justice Salmon P. Chase tacitly refused to pursue, even to meet a great popular demand for the punishment of Jefferson Davis, the Chief Justice of Utah has pursued to comply with a small popular demand for the punishment of a Mormon polygamist. The judge has made those bold innovations upon precedent, the contemplation of which compelled the pause of the law-making power of a great nation. Who will doubt that whenever the exigencies arise the same judge will overturn another common law rule, and establish another proposition of the Cullom bill by allowing marriage to be proved in prosecutions for polygamy by evidence of general reputation? Who will doubt that any ruling will be made that is necessary to carry out the crusade? And what unprejudiced citizen but will regard with apprehension the extension of this practice of judicial legislation? If it should ever reach beyond Utah and be adopted by the judges of our State and National courts of last resort, either a revolution would be induced, or a people who had lost their liberties would have occasion to remember John Randolph's epigram, that 'the book of Judges comes before the book of Kings.'

"Let me now recall some incidents in the history of the grand jury selected under the patent process to which I have referred. That grand jury found a number of indictments, not for any alleged violation of the anti-polygamic act of Congress, not for adultery as in the Hawkins case upon the evidence of the wife; but upon somebody's evidence—let us hope that somebody was not public rumor—they indicted a number of prominent Mormons for the crime of 'lewd and lascivious cohabitation.' The law under which these indictments were found is a statute of Utah Territory and reads as follows:

"If any man or woman not being married to each other, lewdly and lasciviously associate and cohabit together, etc., every such person so offending shall be punished by imprisonment not exceeding ten years, etc.

"But one State in the Union has a statute similar to this—the State of Massachusetts, and the Supreme Judicial Court of that State in the case of the Com-

monwealth *vs*, Catlin, 1st Massachusetts Reports, page 8, decided that evidence of secret cohabitation cannot in any degree support an indictment for this offense.'

"Who supposes that the defendant in any of the cases of this character, now pending in the Third District Court, will be proved to have committed any public act of cohabitation? And who does not conjecture that a petit jury, selected as the grand jury was, and instructed as they doubtless will be, will probably find verdicts of guilty upon evidence of secret cohabitation?

"Let me return once more to the record history of the Third Judicial District Court.

"Among the indictments for lascivious cohabitation is one charging the crime against Brigham Young, and charging it as having been committed with sixteen different persons, at sixteen different times and places, ranging over a period of nineteen years. The counsel for the defendant asked the court to quash this indictment of multifariousness, or else compel the district attorney to elect upon which count he would proceed. Let it be observed that there was nothing in this motion out of the regular course of criminal cases. It was made upon legal grounds only, and supported by legal authorities. It was nowhere suggested or argued that 'lascivious cohabitation' was not a crime, a felony under the laws of Utah. It was nowhere suggested or argued that evidence of a polygamous marriage would be offered, or if offered could be received as a defense of the accusation. The motion to quash or compel an election was made before plea, and the judge in passing upon that motion had no right to do anything except to grant or refuse it, or except, and to give his legal reasons for granting or refusing it.

"What did he do? He went outside of the record; he assumed that the defendant was guilty before trial. He first denied the motion, giving his legal reasons therefor, and then he used the following remarkable language:

[He quotes McKean's opinion.]

"What wonder then that the New York *Law Journal*, one of the leading legal periodicals of the country, thus criticized this remarkable language of Judge James B. McKean:

"'His decisions we do not question, but the language accompanying those decisions has been so intemperate and partial as to remind one of those ruder ages when the bench was but a focus where were gathered and reflected the passions of the people.'

"What wonder then that the counsel for the defendant felt compelled to notice the unprecedented action of McKean by filing the next day the following protest:

"We the undersigned, of counsel for the defendant in the above entitled cause, respectfully except to the following language of your honor in your opinion to quash the indictment herein.

[He quotes from the opinion.]

"The indictment in this case charges the defendant with 'lascivious cohabitation' and not with polygamy or treason. The statement of your honor that a system of polygamic theocracy is on trial in this case in the person of Brigham Young coupled with your invitation to us to prove by authority that the acts charged in the indictments are not crimes, is most prejudicial to a fair trial of the

defendant, in that it assumes that the defendant has been guilty of the acts charged in the indictment, and that law and not the alleged fact will be on trial.

"No motion has been made to quash the indictment in this case on the ground that acts charged therein are not crimes, nor has such a proposition been advanced on argument by any of defendant's counsel herein. We submit that no political and social condition of the country can relieve the prosecution of the task of proving one or more of the acts alleged in the indictment, and that unless and until such proof is made, the guilt of the defendant ought not to be assumed or even conjectured by the judge before whom he is to be tried.

"'If any presumption is to be indulged in, it is that the defendant is innocent of the charges preferred against him, and that he will accordingly plead 'not guilty' to the indictment, and that presumption remains until the defendant elects to plead 'guilty' or a special plea of justification, which latter have not been suggested by either defendant or his counsel. In so pleading 'not guilty,' the defendant will not say the acts charged in the indictment are not crimes, but that he is not guilty of the acts charged in the indictment.

"'Then there will be a question of fact for a jury, and we submit that in the determination of that question the language of your honor herein referred to cannot but tend to the prejudice of the defendant, and we therefore except to the same.

"'FITCH & MANN, HEMPSTEAD & KIRKPATRICK, SNOW & HOGE, HOSEA STOUT, A. MINER, LE GRAND YOUNG.'

"Let not the filing of this protest be criticized an an unusual proceeding. If it be unusual so was the occasion which elicited it. What right had Judge McKean to thus expose his bias to the world and bring the administration of justice into contempt. Suppose that in the case of Sickles, indicted for killing Keys, the seducer of his wife, a motion had been made to quash the indictment for some technical defect, and in refusing the motion to quash, the judge presiding had said: Let all concerned keep steadily in mind that while the case at bar is called 'The People of the District of Columbia against Daniel E. Sickles, its other and real title is the peace of society against red-handed murder. The government of Washington City finds in its midst a social code claiming to come from God, a code which asserts the right of a husband to vindicate his honor by bloodshed. The code arrays itself against the laws. A system is on trial in the person of Daniel E. Sickles. The question is not is the defendant guilty or innocent of the crime charged, but it is shall men be permitted to walk down Pennsylvania avenue on Sunday evenings, and murder other men who may have disturbed their domestic relations.'

"A judge who should pursue such a course elsewhere would be apt to lose his official head, or the opportunity of trying the defendant thus passionately assailed from the bench. I do not believe there is a fair-minded judge in the country outside of Utah, who if he had been betrayed in such a case into the delivery of such language, would afterwards consent to sit as judge upon the trial of a defendant thus prejudiced. I do not believe there is another community in the country that would not with unanimous voice demand that a judge who had so exhibited his bias should retire during the trial of the defendant in such case.

"And yet I venture to predict that Judge James B. McKean will refuse a change of venue, refuse a change of judges, and insist upon occupying the bench upon the trial of Brigham Young; and I predict further that his course in that respect, will be sustained by hundreds in Utah, who are only anxious that Brigham Young, whether innocent or guilty, shall be convicted of something or other. It will be sustained also by that portion of the newspaper press of Utah which has constantly since the inauguration of these prosecutions, presented the disgusting spectacle of calling for the conviction and punishment of men accused of crime, prejudging their cases, denouncing all who defended them, and accusing of corruption those who declined to bend the high duties of officers of the Governmeet to the dirty work of malicious injustice. It will be sustained by the editors who have bitterly abused the United States marshal for according to persons in confinement those comforts which are allowed to all prisoners before trial who are willing to undergo the expense. It will be sustained by those newspapers whose conductors have found words of encouragement and applause for every insult or indignity or oppression that has been leveled against the Mormons.

"But I am not through with the acts of Federal judges in Utah. The probate courts which for twenty years have exercised jurisdiction in a certain class of cases, have been swept into nothingness by the supreme court of the Territory, throwing property rights into litigation, and making invalid and worthless hundreds of divorces, upon the faith of which other marriage relations had been contracted. A liquor dealer whose stock was destroyed for selling without license, in violation of a city ordinance, sued for damages the Territorial marshal and his deputies who executed the warrant and the justice who issued it, and obtained from a selected jury, a verdict of $57,000; $19,000 for the value of the liquor destroyed, and $38,000 as punishment for those who acted at least under the color of authority. The son of one of the justices of the Territorial supreme court—a young man whose zeal outran his discretion as a challenger at the polls on election day—was locked up for a few hours for such disorderly conduct, and he has brought an action against the city officers who detained him, to recover $25,000 damages. Several persons committed by local magistrates to answer charges of felony, have sued out writs of *habeas corpus* before a Federal judge and been discharged from custody, on the ground that the Mormon judge had no jurisdiction—the universal rule of law that the acts of a *de facto* officer cannot thus be collaterally attacked being coolly ignored.

"The baser elements of society gaining courage and support from those decisions, now commit depredations on the public peace and on private property with impunity, until within a year Salt Lake, from one of the best, has almost become one of the worst governed cities on the continent.

"I turn again from the proceedings of the court to the proceedings of the grand jury it impaneled.

"In the guard house at Camp Douglas, associated with felons, and within the walls of the city jail, are four men of families, four kind, honest, worthy, harmless men, who are held in close confinement upon the uncorroborated evidence of a self-confessed perjurer. Innocent men over whom the shadow of the scaffold impends; while the grand jury which indicted them refused to consider,

refused to listen even to evidence of the perjury of the man upon whose uncorroborated testimony the indictment was found. Before Judge McKean, as magistrate examining persons charged with the murder of J. King Robinson, one Charles W. Baker swore that he recognized Blythe and Toms as the two men with muffled faces who ran from the scene of homicide in question upon the night of October 22, 1866. After giving this evidence, Baker, struck with remorse, or failing to receive his reward, or for both or other reasons, made the following affidavit:

"'Territory of Utah, Salt Lake County—*ss.*

"'Be it remembered that on the 3rd day of January, 1872, personally appeared Charles W. Baker who was by me sworn in due form of law, and who on his oath, did say that he is the identical Charles W. Baker who was a witness in an examination before the honorable James B. McKean, Chief Justice of the Supreme Court of the Territory of Utah, commencing on the 14th day of December and terminating on the 22nd day of December, 1871, at Salt Lake City; wherein John L. Blythe, James Toms, Alexander Burt, Brigham Y. Hampton, were charged with the murder of J. King Robinson, at Salt Lake City, in the County of Salt Lake, and Territory of Utah, on the 22nd day of October, 1866.

"'He further says the testimony which he then, on said examination, gave was wholly untrue and false. He further said he was hired to give said testimony by S. Gilson. That it was agreed between him and the said S. Gilson and others.

"'That he was to receive the sum of five-hundred dollars, no matter what might be the event of the proceedings, and one thousand dollars for each person that was or might be convicted.

"'That during the time he was engaged in said testimony and detained, his board was paid by said Gilson and others, at the Revere House, in said city.

"'He further says that he had a plat of the grounds and of the street in the city of Salt Lake near to the place where the murder was committed, furnished by S. Gilson.

"'Which plat, before he gave evidence, was by him carefully studied, so that he might understand it.

"'He further says that since he so gave his testimony he has carefully reflected on the enormity of the crime he has committed and is aiding in carrying out, and he has concluded to make amends, so far as it is now in his power.

"'He therefore voluntarily now makes this statement, upon his oath.

"'He further says that on or about the 16th day of December, 1871, he had a conversation with Thomas Butterwood, who then informed this affiant that he was hired to give his testimony, in the above named case, and that his testimony was not true.

"'(Signed) C. W. BAKER.

"'Subscribed and sworn to before me this third day of January, A. D. 1872.

"'JOHN T. CAINE, *Notary Public.*'

"After making this affidavit, somebody persuaded Baker to go before the grand jury and repeat the false statement he had made before the examining magistrate. While Baker was giving his testimony the grand jury had in their possession the affidavit I have just read, and yet, will it be believed, they refused to

consider the affidavit; they refused, although requested to send for the three witnesses by whom the fact of Baker's voluntary signing of and swearing to it could have been proven; they refused to even question Baker about it, or to ask him to explain it, while upon his testimony alone they indicted Blythe and Toms. There was no evidence so base or worthless but was sufficient to indict a Mormon upon; there was no evidence sufficiently damning to indict a man who would swear against Mormons.

From the closed doors of this grand inquest the counsel for Blythe and Toms turned to Judge McKean. Upon a proper legal affidavit they asked him to have Baker brought before him for examination upon a charge of perjury; he refused to issue a warrant, or make any examination, on the ground that the grand jury had had the subject under consideration. Baker was then arrested and taken before a Mormon justice. The lawyer who acted as deputy district attorney on the examination of Blythe and Toms appeared as Baker's counsel, and waived an examination, thereby admitting that there was probable cause to believe Baker guilty of perjury, and Baker was committed to jail, where he now is in default of $3,000 bail. The usual practice of *habeas corpus* to procure his release has not been resorted to, perhaps because unpleasant facts might thereby be made public, and his confinement will not be lengthy, for he will probably be discharged as soon as the grand jury can again get together and officially ignore the charge.

"I will not pursue this dreary record further. A volume of details of acts of injustice and tyranny might be compiled from the official records, but one more instance will suffice.

"Brigham Young, an American citizen of character, of wealth, of enterprise; an old man who justly possesses the love and confidence of his people and the respect of those who know and comprehend him, is to day a prisoner in his own house in charge of an officer. Judge McKean refused to admit him to bail, although the prisoner is ready to give any sum demanded, and the Attorney-General of the United States has requested that bail should be taken. There is nothing but the lenity of the United States marshal and the caprice of his prosecutors between the prisoner and the cell of a common guard house. If he takes an airing in his carriage accompanied by the officer who has him in custody, a howl goes up from those newspaper organs of the prosecution, who lustily call for a tin plate, and irons, and prison fare for him; and all this upon the uncorroborated oath of one of the most remarkable scoundrels that any age has produced; a man known to infamy as William Hickman, a human butcher, by the side of whom all malefactors of history are angels; a creature who, according to his own published statements, is a camp follower without enthusiasm, a bravo without passion, a murderer without motive, an assassin without hatred.

"Who shall say that no man will ever be convicted by an American jury upon the testimony of such a witness? That which a peculiarly constituted grand jury commenced, a peculiarly constituted petit jury may continue, and a peculiarly constituted court complete. The end may be and doubtless will be, the logical sequence of the beginning. One year ago no man would have predicted such a beginning, and who shall say the tide will turn this side the grave? Who shall prophesy the end?

"I say deliberately, that with the history of the past behind me, with the signs of the present before me, with the pervading feeling in the minds of those from whom alone juries will be taken, with the declared opinions of the judge as recorded; I say with sorrow and humiliation that the Mormon charged with crime who now walks into the courts of his country, goes not to his deliverance but to his doom, that the Mormon who in a civil action seeks his rights in the courts of his country goes not to his redress but his spoliation.

"And there is no prospect of relief except through a State government. It is true that the lower house of Congress has passed a bill to allow appeals to the Supreme Court of the United States in criminal cases from the Territories, but it is not probable that this bill will pass the Senate. The declared policy of the Senate, and especially of its judiciary committee for some years past, has been adverse to such a law.

"The present grand jury has found six indictments for murder and seven indictments for 'lascivious cohabitation.' The defendants in these cases include Brigham Young, Joseph A. Yonng, Daniel H. Wells, Geo. Q. Cannon, Hyrum B. Clawson, Hosea Stout, William H. Kimball and others less generally known."

[The speaker next briefly reviewed the history of the drivings of the Mormons and the Utah war, which had produced a Hickman and a John D. Lee, and climaxed this line of his argument thus:]

"The objection to a State government, an objection urged by a handful of people and an irresponsible guerrilla press, that in case Utah is admitted the Mormons will control her politics and elect her officers and representatives, is an objection to which the Congress of the United States will, in my judgment, accord no weight whatever.

"That body will, I venture to predict, see no good reason why the Mormons who constitute nine-tenths of the community should not control public affairs here, and once satisfied the social problem is in the way of a peaceful and just solution, there will I think be a disposition to give Utah the privilege of self-government.

"The question of State government or no State government for the people of Utah, is simply a question of concession on the part of the people of Utah. I say a question of concession. I doubt indeed if it be longer than that. The universal voice of a democratic-republican nation of forty millions of people seems to be consolidated into a demand with respect to Utah, a demand which may perhaps be the offspring of prejudiced opinion, but if so, it is an opinion which will not be enlightened and which cannot be disregarded or overruled. The demand is that the future marriage laws, and marriage relations of Utah be placed in consonance with the rest of the Republic. The demand is that polygamous or plural marriages shall cease. Accede to this demand and you may have a State government, with condonation of the past, and secure exemption from persecution for the future. Deny it and you will have neither a State government nor cessation of persecutions. The war is over, secession is dead, slavery is dead, and in the absence of subjects of greater importance, Utah and her institutions will be the shuttlecock of American politics to be bruised and beaten by the battledoors of party for the next decade, unless she now grasp her opportunity and gain peace by gaining power.

"In accordance with a public promise, made when nominated to this convention, I stand here to day to advocate the surrender of polygamy. It may be that my utterances in this behalf will take from me the friendship and support of many good men and women; if so I must even pay the penalty. It is easier to swim with the current than to seek to stem it, and perhaps it is wiser, but whether or no it is policy I have seldom been able to practice. I have not permitted myself to be disturbed by the titles of 'Jack Mormon,' 'Apostate Gentile,' 'Saint Fitch,' and 'Apostle Fitch,' which have been so freely bestowed upon me during the last ten months by men whose small souls were incapable of comprehending that it was possible to pursue a great purpose by a liberal and comprehensive policy. That I am a friend of the Mormon people, wishing their welfare and happiness, and willing to do all in my power to advance that end, I have often publicly avowed by word and deed, and if my course in this respect shall have inclined this assemblage to-day to give more weight to my utterances than would have been otherwise accorded to them—then I am more than compensated for being often traduced and steadily misunderstood by many who in times past honored me with their confidence and support. In another forum than this it was my fortune two years ago to stand up almost alone to ask the representatives of a great nation to be just towards an honest, earnest, calumniated people, and perhaps I may stand alone to-day in asking the representatives of that same people to be just to themselves.

"I am not here to attack polygamy from a theological, a moral, or a physical —but from a political standpoint. Certainly I do not propose to question the pure motives or the honesty of those who believe in and practice it. I am inclined to agree with Montesquieu and Buckle that it is an affair of latitude, and climate, and race, and on these grounds alone its existence among a Saxon people, living in the North Temperate zone, is a climatic anomaly. It did not grow out of any structural, or race, or social, or climatic necessities, and if it be, as asserted, the offspring of revelation here, I can only say that it needed a revelation to start it. That it has scriptural patriarchal origin and example is probably true, but that was in another age than ours, and in a different land. If Abraham had lived on the line of the overland road in the afternoon of the nineteenth century; if Isaac had been surrounded by forty million monogamous Yankees; if Jacob had associated with miners and been jostled by speculators, there would, I apprehend, have been a different order of social life in Palestine. The Mormon doctrine may be the true theology, and the writings of Joseph Smith the most direct of revelations. The practice of polygamy may be a safeguard against the vice of unlicensed indulgence, and the social life of Utah the most sanitary of social reforms. All the advantages, claimed for this system may be actual, but nevertheless the fact exists that polygamy is an anomally in this Republic, existing hitherto by the sufferance of a people who now declare that it shall exist no longer.

"Do you doubt this decision on their part? The evidences are all about you. Here is a people who expended thousands of millions of treasure and myriads of life to establish the freedom of the black race from oppression, and who yet regard with indifference if not with complacency the assault which has

been made upon the rights and liberties of American citizens in Utah, because the object of those assaults upholds a hateful doctrine. Here is a people ordinarily jealous of the aggressions of rulers and officials, who yet endorse acts of despotism and applaud assaults upon law and constitution because such assaults are made for the destruction of polygamy.

"What if judges should be changed, or policies altered? It would bring but temporary relief, for behind all, impelling all, contriving all, demanding all, enforcing all, there dwells the unconquerable, all-pervading idea of the American people that polygamy must be extinguished. On this one thing all parties, all creeds, and all philosophies are combined. The press calls for it, the pulpit thunders for it, the politicians rage for it, the people insist upon it. You may delay the issue but you cannot evade it. Your antagonist is hydra-headed and hundred armed. Whether by bigoted judges, by packed juries, by partizan officers, by puritan missionaries, by iron limbed laws, by armies from abroad or by foes and defections at home, the assault is continuous and unrelenting. Your enemies are ubiquitous. Your friends—ah! it is your friends who advise you constantly to baffle your enemies and resign the practice of this one feature of your faith. The history of all similar movements warns you; the violatedlaws of latitude confront you; your children unconsciously plot against you, for, while polygamy is with you the result of religious conviction, with them it is but the result of religious education, and an inoculated doctrine, like an inoculated disease, is never very violent or very enduring.

"Can this people hope to retain polygamy against such influences and such antagonism? Some tell me that they trust in God to uphold them in a struggle to keep polygamy. Others would doubtless say they trust in God to uphold them in the struggle to banish polygamy; and others that there can in the nature of things be no assurance that the Almighty will interest himself in the matter, or espouse either side. The early Christians trusted in God when the Roman emperors gave them to the wild beasts. The Huguenots trusted in God when the assassins of St. Bartholomew's Eve made the gutters of Paris reek with their blood. So trusted the Waldenses when their peaceful valleys were given to rapine; so trusted the victims whose despairing faces were lit by the glare of Spanish *auto da fes;* so trusted the martyrs whose fagot fires gleam down the aisles of history. so trusted the Puritans when driven out upon the stormy Atlantic; so trusted the Presbyterians when the Puritans persecuted them; so trusted the Quakers when the Presbyterians expelled them; so trusted the Arcadians when driven from their homes; so trusted the myriads who in all ages have been sacrificed to the Moloch of religious intolerance. Who shall say when or in what cases or in what way the ruler of the Universe will interfere? "Render unto Cæsar the things that are Cæsar's and to God the things that are God's." A belief in polygamy is a matter between the citizen and his God; the practice of polygamy is a matter between the citizen and his country. If you think the laws of God call upon you to believe in it—then obey them unmolested—but the laws of your country call upon you not to practice it, so obey them—and *be* unmoested. If for his own purposes the Almighty did not see fit to interfere by special and miraculous providences to protect those who refused to recant their professions, is it probable that he will so interfere to sustain

those who refuse to surrender the practice of an ordinance and that not a saving, although a sacred ordinance. I do not claim to know, I do not know what the Mormon doctrine may be with respect to the practice of polygamy. I observe, however, that not one-tenth of your adult males actually practice it, and I naturally conclude that you do not consider its practice essential to salvation; that it is something to be practiced or omitted as opportunity or ability may warrant. If this be so, then may not that lack of ability or opportunity arise from the antagonism of others, from the circumstances of the country, from overpowering laws, as well as from the circumstances of the individual? If one Mormon is permitted by his creed to say, I believe in polygamy as a doctrine, but I do not practice it because my condition makes it inconvenient or impossible, why may not another say—why may not all say—we believe in it as a doctrine, but we agree not to practice it because the general conditions make it inconvenient or impossible? Why may not the earnest, conscientious Mormon say, I believe in polygamy as a doctrine, but in order to relieve my friends and associates from persecution, in order to prevent the establishment of intolerable oppression; in order to preserve the thrift, the industry, the wealth, the progress, the temperate life, the virtues of Utah from spoliation and devastation and ruin; in order to save a hundred noble pioneer citizens from outlawry or the gibbet or incarceration; in order to achieve self-government, and peace, and liberty, I consent to surrender its practice for the future. And so consenting I am content to embody my consent in the form of an organic law. So consenting I mean in good faith to do as I agree to, and so agreeing make my agreement public and of record.

"To say, on the other, that you will make no compromise, that you will die rather than surrender the practice of this one feature of your faith, is the resolve of neither philosophers nor philanthropists. Such a resolve means another Nauvoo; it means that you consent to count more of your religious leaders among your list of martyrs; it means death to some, exile to other, ruin to many. If such be the well considered, deliberate determination of the Mormon people, there is no weapon in the armory of logic that will prevail against it, for you cannot reason with him who is bent on suicide. I hope no such conclusion has been or will be reached. I hope that the assembling of this convention indicates a different and wiser resolve. I speak to this people as a friend. I speak to them without thought of personal gain or advantage to myself to result from pursuing the course I suggest. Before God and before this convention I do most solemnly assert that did I intend to leave Utah forever on the morrow, I would give the same advice. Before God and before this convention I do most solemnly declare that did I know my little life would go out from earth with to-day's sun I would give the same advice.

"To this convention I say, be wise in time. If you do not by this concession successfully organize a State government for yourselves now, the day is not far distant when your foes will organize one over your heads, and organize it upon such terms as will ostracise your most honored citizens from public peace, if it do not disfranchise the body of your voters. The political history of some of the reconstructed States lies to your perusal and for your warning. In politics as in finance the tendency of the age is to centralization. The triumphant career of a great political party demonstrates to you that there is no government so strong as

a government of opinion, that there is no law so powerful as the will of a people. It is a turbulent and resistless torrent; constitutional barriers are swept down before it, laws are changed to accommodate it; courts are overwhelmed or carried away upon its crest, and institutions that lift up their voices against it are hushed by its mighty thunders.

"Do not trifle with your opportunity. Do not wait the tardy action of Congress. Do not entail upon yourself years of oppression. Do not play into the hands of your foes. Do not close the mouths and tie the hands of your friends. Believe rather that this is the hour of triumph, that this is the 'tide in your affairs which taken at the flood leads on to fortune.' Believe rather that out of the wise compromise, the wise concession, which may have a beginning here, a happy future shall grow. That from this house the lovely State of Deseret shall go forth, with her errors forgotten, with her virtues shining like rubies upon her breast, to clasp hands with her sister States and march with them along the highway of empire which stretches from sun to sun."

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## CHAPTER LXVII.

THE DISCUSSION FOR THE STATE CONTINUED. HAYDON AND BARNUM EULOGIZE THE CHIEF JUSTICE. FITCH CHALLENGES THE RECORD, AND IS UNANSWERED. MOTION TO ADJOURN LOST, AND BUSINESS RESUMED. DESERET OR UTAH? THE NAME OF DESERET PREVAILS. THE ALL IMPORTANT STRUGGLE OVER THE FIFTH SECTION OF THE ORDINANCE, INVITING CONGRESS TO PUT IN ITS PLANK. ORSON PRATT LEADS THE OPPOSITION, GEORGE Q. CANNON THE MEMBERS FOR THE SECTION. THE FIFTH SECTION PREVAILS. GRAND POINTS OF THE MODEL CONSTITUTION. WORK OF THE CONVENTION FINISHED. ELECTION FOR CONGRESSMAN. BALLOTING FOR U. S. SENATORS. EFFORTS TO ORGANIZE THE CITIZENS INTO THE NATIONAL PARTIES.

On the third day of the convention Judge Haydon replied to Mr. Fitch. He said the reason why he made the motion to adjourn *sine die* was to define his position on the State government of Utah. He had no thought the discussion would take so wide a range, nor that so much bitterness of expression would have been indulged in; neither did he think that the gentlemen would have taken occasion to speak in such harsh terms of the Government and its officers. This, he thought, of itself would militate against the admission of Utah, for the Government would say that those who abuse the Government and its officers are not fit to join the sisterhood of loyal States. He had noticed that great wisdom usually marked the gentlemen present in worldly matters, but in this instance he thought it was a truant. He had come to Utah to practice his profession quietly, and to keep aloof as far as possible from conflicting parties; and he desired to act justly towards all.

He a was Gentile and by his actions in that convention represented in part the Gentile sentiment of Salt Lake County; and if his Mormon friends who elected him thought he could be used to give a Gentile color to the convention they had mistaken their man. He ventured the opinion that outside the Gentiles on the floor of the convention there were not more than fifty in Salt Lake County, nor a hundred in the Territory, in favor of a State government. He raised the point of increased taxation, against State sovereignty, urging that it would keep foreign capital away and retard the development of the resources of the State. He next gave a eulogistical sketch of Judge McKean's career and character, criticising Fitch's argument; and, closing on the polygamic question, said he did not believe that the Mormons present would be willing to trade off what they believe a divine ordinance for the bauble of State sovereignty. If they were once to lose the respect of the world for their honesty in their faith they would go down like Lucifer—never to rise. What would history write—what would the world say, if a convention composed mainly of Latter-day Saints, among whom were six apostles and twenty bishops, should be found ready and willing to sacrifice one of their divine ordinances for a State government? As a Gentile who was no enemy but who had many reasons to be their friend, he in conclusion said, "Stay where you are, and bide your time."

He then moved the previous question, but at the request of numerous gentlemen he afterwards withdrew.

Mr Fitch replied to Judge Haydon's strictures on his speech and "challenged the gentleman and the world to point out a false statement therein." He was not unwilling to believe that Judge McKean had always lived an upright life. It was not the acts of his past life which were here in review; it was his course as a judge in Utah which he had criticised. And he submitted that, in considering a resolution to adjourn without action, all the evils of the existing system were legitimate subjects for discussion. In conclusion he desired to say that the position of his colleague differed from his in this, that while Judge Haydon desired the people of Utah to retain McKean and polygamy, he (Fitch) desired them to get rid alike of polygamy and McKean.

Col. Akers said his collegue, Judge Haydon, had left all the reasons advanced in support of his original motion untouched, except taxation. The Judge had said if he could not lift up men, he gloried in the fact that he was too feeble to pull down angels; yet his motion and arguments were directed towards pulling down the fabric which the convention was endeavoring to rear. It was infinitely easier to pull down than to build up. The architect's skill and wisdom of the builder might be employed in erecting a structure which the hand of destruction, however unskillful or unwisely directed, might lay in ruins. The convention had met to aid in building a fabric of State government, and one greatly needed for Utah. The history of this Territory had been one of harshness towards the people. He did not allude to the past experiences of the Mormons, in the drivings and persecutions which they had endured before they turned their backs on civilization and sought a refuge in this then comparatively desert region; but he referred to a period still more recent, and to the present; and appealed to the gentlemen present if the law which should ever be administered with justice, tempered by

kindness, and not been administered with severity and harshness. This should be changed and for it should be substituted a policy of kindness and Christianity, a policy of conciliation. Kindness always softens and melts. The maniac's fury is soothed by it; under its influence the ferocity of the tiger is subdued, and men can enter a den of savage beasts that have been made to feel the power of kindness and conciliation. Brute force appeals to the lowest instincts of mankind; conciliation appeals to the highest and noblest. It is like the gentle summer cloud that sheds its grateful moisture upon the parched earth, making nature rejoice. He desired to see men governed always and in all places in a spirit of conciliatory kindness, that their better nature might be called out in response to it. He believed that with a State government for Utah all the wrangling and contention which unsettled business and kept bitter feelings alive would cease.

Mr. H. D. Johnson did not wish to made a speech, but endorsed the sentiments and views of the previous speaker, reviewing the remarks of Judge Haydon and showing their inconsistency.

Col. Buel said Judge Haydon had stated he was a Gentile. He, the speaker, was not a Mormon, and he would leave the people to determine where he stood. There was quite a liberal sentiment among many gentiles with regard to this matter of a State government. If Mormons were elected to office, he would sustain them in it. They had administered the government of the Territory in the past, so far as it was in their hands, with prudence and economy. He had to pay less taxes here than he had ever done before; and as they had done so well in the past he was willing to trust them in the future in a State.

General Barnum endorsed the views of his Gentile colleagues as against Judge Haydon's opposition to the State, but spoke highly of Judge McKean and Governor Woods, while differing from them in the policy and methods of their administration.

In the afternoon of the third day's session Hon. George Q. Cannon, in a very able speech, brought the issue on Judge Haydon's motion to adjourn. The vote stood—aye, 1; noes, 95.

But the all-important work of the convention was in the discussion and passage of the fifth section of the ordinance to the constitution, thus opening:

"We, the people of the Territory of Utah, do ordain as follows, and this ordinance shall be irrevocable without the consent of the United States and the people of the State of Deseret:

* * * * * * * * *

"*Fifth*—That such terms, if any, as may be prescribed by Congress as a condition of the admission of said State into the Union, shall, if ratified by the majority vote of the people thereof, at such time and under such regulations as may be prescribed by the first Legislature of said State—thereupon be embraced within, and constitute a part of this ordinance."

This compromise plank was the one aimed for in Mr. Fitch's earnest and most feeling appeal to his Mormon co-laborers in the State work, and which was anticipated in the prefatory speeches of all the Gentile members of the convention excepting Haydon. Indeed, not only did the State superstructure rest upon the fifth section, but the very convention itself, as it is not probable that any one

of the Gentile members would have accepted their election and work only in anticipation of such a concession as the fifth section implied. As for Judge Haydon's opposition to the Mormons giving up polygamy it was appreciated according to its motive by both his Mormon and Gentile colleagues alike.

In opening the discussion on the constitution the convention resolved itself into a committee of the whole, Col. Akers in the chair, and resumed consideration of the report of the committee on ordinance.

Mr. Pratt understood a motion had been made to strike out the fifth section, and moved to amend by inserting the word "constitutional" after the word "such." He deemed this change very necessary, because with all the wisdom of Congress it sometimes passed enactments conflicting with the Federal constitution, and as decided by the Supreme Court of the United States. He cited the Cullom bill as an instance of an unconstitutional measure which had passed one branch of Congress; and to the enabling act introduced into the House of Representatives by Mr. Sargent of California, which also contained what he held to be an unconstitutional provision.

Judge Haydon moved that the amendment be adopted.

Mr. Fitch did not see that the amendment would accomplish the gentleman's object. Should Congress propose terms which he might deem unconstitutional, would he not be willing that they should be submitted to the people? Whether the terms of Congress, if any should be constitutional or not, they ought nevertheless to be submitted.

Mr. Miner held that from the construction of the section in question the State had to be admitted *de facto* before such terms would be submitted to the people, as the legislature of the proposed State was required by it to prescribe regulations for their being so submitted. There could be no State legislature unless there was first a State, and this left it open for the State to be admitted and then thrown out in the cold if the prospective terms should not be accepted.

Mr. Cannon thought the convention would make the necessary arrangements before adjourning, and that this objection would be met by the future action of the convention.

Judge Haydon was in favor of Mr. Pratt's amendment.

General Barnum thought the insertion of the word proposed by Mr. Pratt would accomplish no good purpose, and that it conveyed an insinuation that Congress would impose terms which were or might be unconstitutional. Now, Congress acts under the constitution, and was it reasonable to suppose that it would seek to impose unconstitutional terms? But suppose it did, who was to decide as to their constitutionality or unconstitutionality? The acts of Congress are the law of the land and held to be constitutional until decided otherwise by the Supreme Court.

Mr. Thurber was surprised to hear gentlemen object to the word constitution, and as a supporter of the government he would vote for its insertion. As it then stood it was a bid for Congress to make unconstitutional terms, and see if the people of Utah would accept them.

Mr. Joseph W. Young could not see that the convention or the Territory were offering any terms or making any bids. There was a clamor in the country that

the people of the Territory should make some concession and he thought the people who only desired their rights, should, in asking a State government, give Congress an opportunity to say if they had any terms to impose, and then the people could decide on the acceptance of those terms. He was as little inclined to sacrifice principle as any member of the convention, but he deemed it necessary that it should be left to Congress to say what concessions were required of the people, who would then have the opportunity of accepting or rejecting them. He was opposed to Mr. Pratt's amendment.

Mr. Pratt was not sure that he would accept the section even if the word was inserted. He considered Mr. Miner's objection to the section a very serious one; but if the section be not amended, he was in favor of striking it out altogether.

Mr. Cannon said the section was introduced for a purpose. He thought the exigencies of the times demanded a State government. He need not dwell upon the reasons for it. Allusion had been made to the prejudice existing against Utah; and in this section they asked Congress what terms it had to prescribe on which they might be admitted. He did not care, in one way, whether the terms imposed were constitutional or not; it was for the people to decide. He closed with a stirring appeal to sustain the section.

Mr. Fuller said Congress would not knowingly impose unconstitutional terms. He thought Mr. Fitch's proposition was being lost sight of; that if they inserted the word 'constitutional,' they took from the people the right to say whether they accepted the required terms or not. Besides, if Congress should impose unconstitutional terms an appeal to the court of last resort would set them aside.

Judge Snow thought the insertion of the word would convey an imputation that Congress would impose unconstitutional terms, and he would vote against the motion.

Mr. Pratt's motion was put and lost.

Mr. Cannon said the committee which had presented the ordinance wished to amend the section by substituting "this convention" for "the first legislature of said State."

Mr. H. D. Johnson wished the convention to be conducted according to parliamentary rules, and held that a member of the committee on ordinance could not make such an amendment.

Mr. Cannon made the motion as a member of the committee of the whole; and it was then put and carried.

The motion to strike out the entire section was then raised, and Mr. Miner spoke in favor of the motion, as the section seemed like asking Congress to impose conditions other than have ever been required of any other Territory seeking admission as a State. Utah should ask admission the same as any other Territory in a dignified manner, neither supplicating nor in a spirit of braggadocio, but in a spirit of manhood. If Congress had any terms to propose, it would do it in its sovereign power, and they then could accept or reject them.

Mr. Moses Thatcher would sustain the motion to strike out the section. Utah presented as honorable claims for admission as any Territory had ever done, and he believed it should be admitted as other States had been.

Mr. J. W. Young contended that in view of existing prejudices, unless there

should be some section of this nature, something by which Congress would see that the people of the Territory were willing to meet in a spirit of concession these prejudices, their constitution would be laid on the table and allowed there to remain. He was opposed to the motion.

Mr. Farr said it was understood what objection Congress had to the admission of Utah—it was polygamy. Were they willing to yield polygamy for the sake of obtaining a State government. If they were, say so, and obtain State sovereignty.

Mr. Milner did not think Congress was asked to prescribe terms by the section; the inquiry was only made, had it any terms to prescribe? He did not think Congress would wish to impose conditions which could not be accepted in honor. He was opposed to the motion.

Mr. Tyler opposed the motion. He could see nothing in the section that would compromise the honor of any member of the convention, or the people of Utah. Application had been made before for the admission of Utah, which had been refused, and this section only asked, in fact, what were the reasons why admission had not been granted.

Mr. W. Snow, the proposer of the motion, said the section was materially changed sinced his motion had been offered, and in view of that change he would withdraw it. Objection was made and the consideration of the motion was continued.

Mr. Rich thought the constitution should be republican in form, and he asked why a section should be introduced which would open a way for something that was not republican. He said he thought they had a right to ask what they wanted, and he was in favor of a strictly republican constitution. He favored the motion.

Mr. J. R. Murdock, of Beaver, was in favor of the section being retained. He did not think the members of the convention had assembled to tell what they had done in the past, nor to criticize the parent government, but to frame a constitution that would secure the admission of Utah as a State.

Mr. Pratt was opposed to the section because it was an anomaly, such as no other State had embraced in its constitution. He held that the Territory had a right to demand admission, for a Territorial government is not a republican one. They had once had a republican government in the State of Deseret, but that right had been taken from them, and he held they were only asking for that right being returned to them. He treated on the constitutional powers of Congress and the Government, and said he had been loyal to the Government, and so had his fathers before him; and he did not think his rights as an American citizen had been destroyed because he was one of the early pioneers. His great reason for wishing to strike out the section was, because it was something unheard of in the history of States. As this ordinance was irrevocable, unless by the consent of Congress and the people of Utah, he did not desire to see such a section included in it. It was a section lugged in independent of all other ordinances that ever had been framed and should be stricken out.

Mr. Fuller did not consider that they were asking Congress to impose conditions, though it was well understood that conditions would be prescribed. He opposed the motion.

Mr. Cannon said there was one point which ought not to be disguised. Mr. Pratt said the section was anomalous. He admitted it; but they were an anomalous people, and in an anomalous condition. The section gave Congress the opportunity to say what terms were required for the admission of Utah. There had been a carefully elaborated speech delivered in favor of the prohibition of polygamy, and if anything could convince the speaker that it should be done it would have been that speech. He did not want to insert in the constitution a clause abrogating polygamy; nor to go into Congress with an ultimatum on the subject; but to go as one of the contracting parties and learn what terms were required for admission. Constitutions and delegates had been sent before; he had had the honor of being one of the last delegates, and he was satisfied the retention of this section would have a beneficial effect.

The motion to strike out the fifth section was then put and lost.

The names of the gentlemen on the committee on ordinance who had constructed this fifth section which thus prevailed were George Q. Cannon, Joseph W. Young, nephew of Brigham, John T. Caine, A. O. Smoot, second mayor of Salt Lake, Thomas Fitch, F. D. Richards, John Rowberry and John Sharp.

After the passage of the fifth section of the ordinance the work of the convention progressed smoothly from day to day. Mormon and non-Mormon delegates vying with each other to make the constitution of the State of Deseret as broad and perfect as possible. It was a noble piece of work when finished and it won the admiration of American statesmen, notwithstanding the State was not admitted. Section 25 was constructed specially to give justice to the minority in the representation, and it is evident that had the State been admitted, quite a large element of non-Mormon representative men must have been admitted to the management and supervision of our public affairs, by the very construction of the instrument which the convention had wrought, and the precedents which it had given. Female suffrage was also granted.

Hons Thomas Fitch, George Q. Cannon and Frank Fuller were elected to proceed to Washington, to act with Delegate Hooper in presenting the constitution to the President of the United States and the two houses of Congress.

The convention adjourned March 2nd, 1872, and immediately thereafter commenced the election by the people of members to the State Legislature.

On the 9th of March, a mass meeting of citizens was held in Salt Lake City, and the following State ticket made up:

For representative to Congress, Frank Fuller; for State senators from Salt Lake, Tooele, and Summit Counties, Wilford Woodruff, George Q. Cannon, Wm. Jennings and Charles H. Hempstead; for representatives from Salt Lake County, John Taylor, Brigham Young, Jr., John T. Caine, Thomas P. Akers, A. P. Rockwood and S. A. Mann.

Several days later the following was issued for the purpose of organizing a Republican party in Utah:

"TO THE REPUBLICANS IN UTAH.

"The Republicans residing in the several Territories of the United States, have been invited by the National Republican convention, which is to meet at the city of Philidelphia, on the 5th day of June, 1872, for the purpose of nominating

candidates for President and Vice-President of the United States, to be supported at the election in November.

"The opportunity being thus afforded for the organization of the Republican party in Utah, the undersigned have deemed it advisable to unite in a recommendation that a convention be held at the City Hall in Salt Lake City, on Friday evening, April 5th, at half-past seven o'clock, to which convention delegates may be sent from all parts of the Territory, on the basis of representation adopted in the selection of delegates to the late constitutional convention; the object of the proposed convention being the selection of two delegates to the National Republican convention as before mentioned.

"In calling this convention we extend the invitation to all Republicans and to all citizens who approve of the principle held by the Republican party, and whose views are in consonance with that great national organization.

"The number of delegates to which each county will be entitled, is as follows: Salt Lake County, 19; Tooele, 6; Wasatch, 4; Summit, 3; Morgan, 2; Sanpete, 7; Cache, 9; Sevier and Piute, 2; Rich, 1; Box Elder, 6; Millard, 4; Beaver, 3; Iron, 4; Washington, 4; Kane, 2; Weber, 8.

"FRANK FULLER, DANIEL H. WELLS, THOMAS FITCH, GEO. E. WHITNEY, F. M. SMITH, WARNER EARLL, JACOB SMITH, S. A. MANN, LEN WINES, WILLIAM JENNINGS and many others.

"Salt Lake City, March 15th, 1872."

On the 3d of April, a call for a Democratic convention was made as follows:

"We, the undersigned, invite all citizens of Utah, who adhere to the principles of that grand old party of the people—the Democracy—to assemble in mass convention at the City Hall in Salt Lake City, on Monday, the 8th of April, at 7 o'clock P. M., for the purpose of taking initiatory steps for organization, appointing a Territorial Democratic central committee, and transacting such other business as may be suggested at the meeting."

This call, led off by Col. Thos. P. Akers and Gen. E. M. Barnum, was signed by nearly one hundred representative names, Mormon and Gentile.

On Friday, April 5th, the State Legislature met to elect Senators to Congress, and, after two good day's work and much sharp balloting, Fitch and Hooper were elected. In the Senate on the eighth ballot Fitch stood 4; General Morrow 4; George Q. Cannon, 2. On the ninth, Fitch, 5; Morrow, 4, Cannon, 1.

The senate having failed to elect, adjourned till 11:55 next day; and the house adjourned to meet with the senate in joint session, when the before named were elected and a telegram immediately dispatched to them at Washington announcing the result. The great point of the interest in the balloting was that it was, especially in the senate, strictly on party lines, General Morrow, as a democrat, tying Fitch as a republican.

The Democratic and Republican conventions met pursuant to call, and set earnestly to work with spirit and enthusiasm to organize their several parties on the strict national lines. It is worthy of a special note in our history that this is the only time when a legitimate effort was made in Utah to organize in accord

with the great political parties of the nation; but it was frustrated by anti-Mormon malice, the majority of Gentiles chosing rather to betray their traditional parties, and coalising as the Liberal party, to keep up their crusade against the Mormon community.

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## CHAPTER LXVIII.

CHIEF JUSTICE McKEAN WRITES EDITORIALS FOR THE SALT LAKE *TRIBUNE*, SUSTAINING HIS OWN DECISIONS. THE SENIOR EDITOR IMPEACHED, IN CONSEQUENCE, BEFORE A BOARD OF DIRECTORS AND RESIGNS. THE "GENTILE LEAGUE OF UTAH" ORGANIZED TO BREAK UP THE MORMON POWER. ATTEMPTS TO FORCE THE CITY COUNCIL. REVOLUTIONARY MEETING. CALL FOR TROOPS.

During this action of the old citizens, combined with conservative Gentiles, to obtain a State government, the Liberal party had, with an uncompromising persistence, which at times almost reached the pitch of civil war, opposed the State movement by every means in their power. Public meetings were held, not only in Salt Lake City, but in the mining camps, and all the anti-Mormon force rallied and loud threats of revolution made to intimidate the leaders of the State movement; and those threats were directed perhaps more against the conservative Gentiles, who were dubbed "Jack Mormons," than against the heads of the Mormon Church. A petition was also gotten up against the admission of Utah to State sovereignty and forwarded to President Grant and Congress. It was signed by about five thousand names; the petition was taken from house to house and women as well as men affixed their names to it. For once the entire anti-Mormon force of the Territory was called into action; the Godbeites and the Walker party, equally with the fiercest anti-Mormon, took action and signed their names against the State movement. Joseph R. Walker, Henry W. Lawrence and R. N. Baskin undertook a mission to Washington at their own expense for the Liberal party, to counteract the favorable impression which the model constitution of the State of Deseret was certain to create in the minds of many congressmen, and to affirm emphatically to President Grant and statesmen that the Gentiles and seceding Mormons were unanimously opposed to a State, excepting a few Gentile politicians —Fitch and others of his class—whom they denounced in the name of the Gentile party in the strongest terms. Undoubtedly this representation of delegates from the Liberal party of the weight of J. R. Walker, Henry W. Lawrence and R. N. Baskin, with a petition bearing five thousand signatures (so it was claimed) against the State were sufficient, with the temper of President Grant wrought up by Newman and McKean to a war pitch, to prevent the admission of Utah at that

time, no matter how great its claims to and reasons for State sovereignty. Indeed, it was at the time when President Grant declared to the effect that if Congress did not pass a bill potent enough to overthrow Mormon polygamic theocracy, he would put his troops into Salt Lake City and settle the difficulty by military force.

There were also petitions gotten up in Salt Lake both for and against McKean; the one for his removal the other for his retention. The one affirmed in substance that McKean's doings were a disgrace to the department of justice, and that his presence was disturbing to the good order and peace of society, inimical to the prospects of this great mining country, and forbidding to the investment of foreign and eastern capital; the other petition affirmed the very reverse. The petition for McKean was signed by about the same names and number affixed to the petition against the State. Judge Haydon, in the convention, in his opposition had declared that it was "the State *versus* McKean," and the Liberal party adopted his words very like as they would have done an inscription on their banners during the fierce anti-Mormon campaign of that year.

The course of Chief Justice McKean, however, had not passed without a rebuke even from the inside of his own party—a rebuke in fact scarcely less severe than the strictures of Hon. Thomas Fitch; but the affair was kept silent for party interest, and because, on the whole, McKean was looked upon by the gentlemen concerned as a good man at heart, notwithstanding he was "a judge with a mission." The case is as follows, and the statement is made as a necessary explanation of certain hidden points in the history of those times.

During the prosecutions against Brigham Young, Daniel H. Wells and others, Judge McKean was permitted by Mr. Oscar G. Sawyer, the then acting editor, to write editorials for the Salt Lake *Tribune* sustaining his own decisions. Mr. Sawyer was also at this time the special telegraphic correspondent of the New York *Herald*, to the staff of which he had been formerly an attache—indeed one of its special correspondents during the war of the rebellion. Any amount of space was at his command in that potent newspaper, which the king of American journalists had made the greatest newsmonger and sensationalist in the world, and no cost for lengthy telegrams was begrudged by the younger Bennett, when the face of the matter bore strong sensational marks, with a seeming importance and authenticity. At that time the aspect and probable solution of Utah affairs were deemed by the American public to be of first class news importance. It will be remembered by the reader, that in 1870 the managers of the New York *Herald* had deemed it sufficiently important to their paper to send out one of its principal special correspondents to Salt Lake City and to keep him here at a high salary, with a broad margin for expenses, to employ assistant pens from the Godbeite writers to furnish him with the best news and authentic subjects of the times. Col. Findlay Anderson was in Salt Lake City more than six months, and during that period he not only furnished the New York *Herald* with a fruitful series of letters, exquisite in their literature and generally acceptable in their spirit, even to the Mormon community; but he also reported for the New York *Herald* the discussion between Newman and Pratt. Indeed, during the term of Col. Anderson the New York *Herald* made quite a mark in the line of Utah news, while the other eastern journals, as a rule, gave but the synopsis, and that, too, it appeared gathered from the *Herald* letters.

Col. Anderson had left Salt Lake City at the time of the arrests and prosecution of President Young, Mayor Wells and others, or there would undoubtedly have been a different class of letters and press dispatches sent to the New York *Herald* from Salt Lake City; and, even had their leaning been strongly on the side of the prosecution and the judge, the news would have been fairly authentic, and its spirit toned with the dignity of a prince of special correspondents.

Oscar G. Sawyer was brought out to Salt Lake by Wm. S. Godbe, at the recommendation of T. B. H. Stenhouse, whose *penchant* for the members of the New York *Herald* staff may be pardoned, but who as a Utah journalist ought to have perceived the unfitness of a New York *Herald* Bohemian to take the editor-in-chief-ship of the *Mormon Tribune*, which at that time was a missionary, Godbeite organ. But Tullidge was in the States writing for the magazines and the New York *World*, while Sherman had resigned as assistant editor of the *Mormon Tribune*, and was in the States with Mr. Godbe on commercial business of his own, and at home E. L. T. Harrison was worn out, unable to bear the burden of the paper and "mission" alone. This condition of things led Mr. Godbe to commit the fatal error of sending out Oscar G. Sawyer to take charge of his paper as managing editor, forcing Mr. Harrison to retire, as nothing could have induced him to hold a subordinate place on the paper which he and his compeers had founded.

This change gave the *Mormon Tribune* into the hands of James B. McKean and the prosecution. It soon changed its name to that of the Salt Lake *Tribune*, which was according to the will of its founders; but it also, from the moment Sawyer took the editorial charge, rapidly became a decided anti-Mormon journal.

It was a matter of great importance to Chief Justice McKean and the U. S. prosecuting attorneys, with such a programme as they had designed to execute in 1871-2, to have the Salt Lake *Tribune* under their dictatorship and in their service, with the understanding, not only among journalists in the eastern and western States, but in the mind of President Grant and his cabinet, that the Salt Lake *Tribune* was the organ of the seceding Mormon elders and merchants.

With this explanation be it repeated, Chief Justice James B. McKean was permitted, by the managing editor, Oscar G. Sawyer, to write editorials for the Salt Lake *Tribune*, sustaining his own decisions; while Sawyer, as shown in his telegrams to the New York *Herald*, relative to the arrest of Brigham Young and the alarming circumstances of the hour, could communicate the secrets of the grand jury room, and the business marked out by the judge and prosecuting attorneys for the coming week, his telegrams dated three days before the indictments were made known to the Salt Lake public and the arrests effected.

With this power in their hands to create public opinion not only in Salt Lake City, where it would have been comparatively of little consequence, but in the eastern States, and in the sanctum of the White House, the judge and prosecution, who were arraigning "Polygamic theocracy" and trying "a system in the person of Brigham Young," held a most unlawful advantage. Besides the public was betrayed with the Salt Lake news published in the New York *Herald*, and the *Herald* also misled; for Sawyer, as the editor of the Salt Lake *Tribune*, and formerly one of the *Herald's* attaches, enjoyed something like the trust that had been reposed in Col. Findlay Anderson, as a reporter and expounder of Utah matters.

Meantime in the *Tribune* office there was mutiny among the editorial staff. Tullidge had returned from the States and was now the assistant editor, while George W. Crouch, an ex-Mormon Elder of the Godbeite, cast was the local; and E. L. T. Harrison one of the directors of the paper. They frequently expressed their indignation, and at length, knowing the facts and the serious consequences to the public good, they resolved to force an issue; whereupon a meeting of the board of directors of the paper was called and the editorial staff summoned. There were present, Mr. J. R. Walker, David F. Walker, Henry W. Lawrence, Benjamin Raybould, John Chislett, Oscar G. Sawyer, the then chief editor, George W. Crouch local editor, and Elias L. T. Harrison and Edw. W. Tullidge, the original editors. The meeting was held in the private office (up stairs) of Kimball & Lawrence.

Mr. Harrison stated the case, and in very severe language denounced the course which the managing editor had been taking. He stated the object for which the paper had been started—namely, to maintain the cause of freedom and the rights of all classes, without distinction of Mormon or Gentile; that it had been specially named *Tribune*, as explained in its opening issues, to signify its character—"the Tribune of the People;" that it was not the organ of the radicals, nor the enemy of the Mormon people, but rather was it designed to protect and defend them. At first it was called the Mormon *Tribune*, to show its mission in this respect, though since it had changed its name to the Salt Lake *Tribune*, so that it might more fully represent all classes, yet remain true to its original aims. Mr. Sawyer, he said, had been brought out to Salt Lake City, by Mr. Godbe, with the expectation that he would carry out the design of its founders; that he, Harrison, had resigned the editorship, and control of the paper, to give himself a temporary rest, with the said understanding; that Mr. Sawyer, having obtained control had turned the Salt Lake *Tribune* in a new direction and given it other aims and purposes from those for which it was established; but above all he impeached the managing editor on the specific charge of having permitted Judge McKean to write editorials sustaining his own decisions.

All the gentlemen present expressed their views; and in substance, Mr. Sawyer, smarting under the general censure, told the directors that they were but merchants, and knew nothing about journalism, while he was a trained journalist. In fine, the issue was that Oscar G. Sawyer resigned, and in his valedictory assigned as the cause of his retirement "a journalistic incompatibility" existing between himself and the directors. It was not, however, because of any journalistic incompatibility between Mr. Sawyer and the directors, but for the reasons herein given. The valedictory was allowed to pass, and the true reasons kept from the public, greatly out of consideration for the Chief Justice himself; but the directors forthwith published a standing notice at the head of the columns of the *Tribune* defining the original character and intentions of the paper.

Sometime after this, a secret society was organized in the city and mining camps, known as the "Gentile League of Utah." Its mission was to break up "Mormon Theocracy," made so famous by McKean's extraordinary official statement, that it was on trial in his court, in the person of Brigham Young.

The action of the Chief Justice of Utah was reversed by the Supreme Court

of the United States. But President Grant sustained him. Until some further legislation from Congress, however, he was powerless as the "missionary judge." His work had to be done by the "G. L. U's," and they did not hesitate to impress on the public mind that they were a semi-military organization.

The radicals, at their public meetings, boldly boasted of this organization and its purposes; and Judge Haydon prophesied that the streets of Salt Lake City would run with blood.

The associated press agent, and the special of the New York *Herald*, sent their "blood" despatches broadcast through the land; a panic was created among capitalists abroad, preventing local investment. It was supposed East that we were on the eve of civil war in Utah. But commercial men and bankers of Salt Lake City published a card to the country counteracting this view. Our greatest conservator of peace, during these radical agitations, was capital. But there can be no doubt that Judge Haydon's prognostications of blood had the form of circumstances deeply lined in the vision.

Again the *Tribune* was drawn into the radical vortex. The city council chamber had been open to our reporter. An occasion was seized one evening, when President (Councilor) Young was in the council. The next morning's paper, in a flaming heading, proclaimed—"*Brigham on the War Path!*"

It was the cry the radicals wanted to hear. For this gross misrepresentation, our reporter at the next meeting was expelled from the city council, and sensational despatches flew over the wires east and west.

The "G. L. U's," thought they saw an opportunity to strike a great blow; so they offered one hundred armed men to go to the city council, the next session, and force admission for the press. The following statement was made by the local editor near the time of the occurrence:

"I, Joseph Salisbury, late associate editor of the Salt Lake *Tribune*, make the following statement, to-wit:

"That on the evening of the 26th of July, 1872, I attended a meeting of the city council, held in the council chamber, in the city hall, Salt Lake City, and made a report of its proceedings;

"That on the 30th instant, I attended again, when that honorable body, taking exceptions to my previous report, demanded of me a public recantation on pain of expulsion. This I refused when the vote of the council was passed to that effect;

"That I was afterwards directed by Mr. Fred. T. Perris, manager of the paper, to attend at the next regular meeting of the council, and report as usual. I said, in answer, that I presumed the council would adopt parliamentary rules and close its doors; whereupon the manager informed me that General Geo. R. Maxwell had promised to be there with 100 men, from the "G. L. U's" and other secret orders to force an entrance and insist on my taking the minutes;

"That, on the day previous to the meeting, I was in the editor's office writing, when General Maxwell came in and asked me if I was ready to go to the council the following evening. I replied, 'I shall go anyhow.' He intimated that he was ready, and the 'boys' would be there;

"That I understood the programme to be that, if any hostile demonstration

were made by the mayor and council, each of them would be immediately covered by a pair of pistols, in the hands of the 100 men present;

"And furthermore, that, if Brigham Young was present, he would be a special mark;

"That, for some reason, the project was abandoned;

"That myself, accompanied by Mr. F. T. Perris and Mr. Abrahams, went to said meeting, when the motion of the preceding council was confirmed and the *Tribune* men again expelled.

"Signed, JOSEPH SALISBURY."*

Immediately after this attempt to force an entrance to the city council, the August election for delegate to Congres came off, George Q. Cannon and George R. Maxwell being the contestants.

An out-of-door mass meeting of the Liberals was called, on the evening of the 3rd of August, 1872, to ratify the nomination of the Liberal candidate.

At 8 P. M., the street in front of the Salt Lake Hotel was crowded. On motion, A. S. Gould was elected chairman.

"Mormon Theocracy," as usual, was the subject of attack. This to the Utah radicals was legitimate political warfare. To the Mormon people, however, such ever is a religious warfare; and, as the multitude were mostly of the Mormon faith, as soon as the speakers assailed Mormonism and Brigham Young, they were interrupted with hisses and exclamations.

Speaker after speaker attempted in vain to address the indignant people, for the radical leaders (one of whom was the Rev. Norman McLeod) vied with each other in outraging Mormonism and Brigham Young, while the Mormon people were spoken of as "dupes," "serfs," "the down trodden," and the chairman's ardent imagination varied these hackneyed names by also repeatedly calling them "geese."

Now came business for the "G. L. U's." They sprang to the front. They were headed by ex-Marshal Orr.

"Follow me 'G. L. U's,'" he cried to his armed troop.

They dashed after him, revolvers in hand, and formed a half circle in front of the stand. Flourishing their weapons, they awed back the people, each waiting eagerly for the command to fire into the crowd.

For the anxious space of five minutes, it was almost certain that Judge Hay-

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*NOTE.—The statement of our local editor tells its own story, and is sufficiently suggestive without much comment. It may be added, however, that, learning of this design, I had resolved if the "hundred men," or any considerable number, attempted to move towards the city hall in parties, I would, in time to prevent the risk of human life, make a statement of the facts to the mayor. As it was, I asked Mr. Perris—the *Tribune* manager—to let me go to the Council in behalf of the paper, but the permission was refused. The reason was that it was thought the city council, believing in my truthfulness and justice, would allow me to remain, as a member of the press, notwithstanding the expulsion of our paper. Harmony with the city council, or fairness towards its administration, was just what the "liberals" wished to prevent. War, not justice, was their aim. That they did also project the movement against the city authorities, as stated by Mr. Salisbury, the very fact that the *Tribune* manager, local editor and foreman of the printing establishment were at the city hall to force the presence of the opposition press is very evident, as the newspaper reports and the record of the council will substantiate. The explanation, too, why the "100 men" were not at their post was, it may be presumed, no fault of the agitators, but simply because certain well known conservative business men did not enthusiastically take the responsibility. Without these influential citizens Maxwell knew that his "100 men" would have been but an armed band of rioters. *E. W. Tullidge, associate editor Tribune, 1872.*

don's prophecy would be fulfilled that night, and the streets of Salt Lake run with blood.

The writer saw their weapons brandished above the heads of their foremost men, gleaming in the flickering light of the lamps, and heard the excited cries of men eager for the word to fire.

The "G. L. U's" went to that meeting anxious for the work of revolution, as the more speedy way of "solving the Mormon problem;" and around the stand, where for a moment there seemed a favorable opportunity, this was strongly manifested. All through the anti-Mormon warfare of that period, the judicial proceedings of McKean (coupled with the idea that Grant would support an anti-Mormon issue, no matter how terrible and summary) had encouraged this invading class. They had everything to gain and nothing to lose by a conflict with the primitive settlers. A strange, though deeply rooted idea, was in the radical mind that Camp Douglas was bound, in its duty to the Government, not to support the city authorities nor the great community; but, in the case of riot or civil war, to concentrate its troops against the city authorities; in other words, it was to be war upon the Mormon people and their leaders, who had founded the Territory and to whom, as a property, it chiefly belonged. This idea, too, was always underlined with the certainty that Governor Woods, who, like McKean, had a mission to put down Mormon rule, would call upon the commander of Camp Douglas for troops to support the anti-Mormon side. Fifty reckless men, therefore, in such a case, was at any time enough for civil war; and the city and its government, in the prospect, were looked upon as their spoil.

Such were the views of those radical leaders who called that out-of-door meeting which had so exasperated the multitude, and in the adjourned gathering that night, at the Liberal institute, it was singular to hear how "pat" the chairman was, in mixing the "G. L. U's" and Camp Donglas in the execution of a common vengeance.

That our city did not witness on this night a mournful tragedy is due alone to the fact that no weapons were drawn by any, excepting the Liberals.

On the Monday morning the *Tribune* came out with the following editorial:

"LET US HAVE TROOPS TO-DAY."

Referring to the disturbance of the Saturday night, the editor said:

"In view of such conduct being repeated to-day, and of the intense feeling aroused amongst the supporters of General Maxwell, and to avert any chances of a conflict, as also to secure the rights of voters at the polls, we ask the acting Governor to make a requisition for troops to be in attendance during the day or near the polls to insure peace and enforce the rights of loyal citizens. The conduct of the police on Saturday evening was such that not the slightest dependence can be placed on either their willingness or ability to preserve the peace.

"In addition to having troops in the city it would also be wise for the saloon keepers to close their doors to-day, so as to aid in making the election pass off peaceably. This seems to be demanded in consequence of the strong feeling aroused which may result disastrously unless great discretion be used.

"Let every man opposed to church domination make this an election day,

and set the example of keeping cool in order to be the better prepared to assert his rights and resist such intolerance at all hazards."

This war utterance of the *Tribune* was very like an order on board a pirate ship to clear the deck for action. It was directed, moreover, not against a citizen rabble, but against the city authorities. As for the reference to the indisposition of the police to keep the peace, and their *ability* to do it, the action shows that the prudence of the police in keeping out of the affray was the chief preventative of bloodshed. Our managing editor well knew that armed spies of the "G. L. U's" had their eyes on every policeman near, and that, had any of them engaged at the crisis, they would have been the principal marks for the ready revolvers of the radicals. The citizens undoubtedly would have helped the police, unarmed as they were. A massacre would have ensued; but before troops from Camp Douglas could have been brought into action, a terrible judgment night would have been met by the armed men who had dared war upon the city. The police knew this; none knew it so well as they; and it was they under the direction of Mayor Wells who *did* keep the peace and preserve the city from bloodshed.

But that call for troops on the election day was not an unauthorized outburst of our managing editor.

"They shall have another mass meeting," said a chief of the anti-Mormon leaders, "and if they repeat it, *there shall be a hundred coffins wanted next morning!*"

The call for troops on the election day, and the significant suggestions to saloon keepers to close their doors, and for the radicals to "keep cool" "in order to be the better prepared" to "assert their rights, and resist such intolerance at all hazards," show how eagerly the election day would have been seized as the grand opportunity for the "hundred coffins."

Troops, however, did not come upon the city; acting-Governor Black, this time, was not to be seduced into the serious folly of issuing a proclamation and making a requisition upon the commander of Camp Douglas, and the election was one of the most orderly Salt Lake City had ever known. Even the radicals were forced into a sort of good fellowship with the primitive citizens for the day. This signified that in spite of the oracle, the Mayor and police kept the peace by the simple manoeuver of seeing that the radicals found no opportunity to break it. The case is suggestive of many more in the history of Salt Lake City.

Let the reader couple the terribly meant purpose of the "hundred coffins," with the following letter headed

"ORGANIZATION DEMANDED.

"*Editor Salt Lake Tribune.*

"I have visited some of our mining camps in the vicinity of Salt Lake City, and find that there, as well as here, there is a very general feeling of deep burning indignation towards, and condemnation of the barbarous proceedings in the city Saturday last.

"Some of those who have hitherto erred on the side of charity towards the Mormons, and have pleaded for tender consideration and forbearance on their behalf, are among the most earnest in their expressions of their determination to maintain for all parties and at *whatever cost*, the rights of citizens of Republican

America. If these rights can only be maintained—if this thrice accursed assumption of the right divine of kings and priests to control and dispose of the property, liberties, consciences and lives of their fellow beings, can only be put down by a conflict of arms, *then let it come* and the sooner the better. Far better would it be that the oft repeated threat of the Mormons should be fulfilled—that Utah should be again converted into a desert, and the whole of its citizens be baptized in their own blood than that we should live to witness the triumph of those tyrannical, cruel, barbarous assumptions of kingly and priestly power which have been the curse of the world for ages. Let our sons and daughters be buried with us in bloody graves, rather than live to be the serfs of an ignorant, cruel, priestly aristocracy.

"It is high time for all who are opposed to the establishment in Utah of a theocracy or kingdom of any kind, should unite and organize for mutual defense and for the overthrow of this accursed system. The Liberals should meet in public in Salt Lake City or anywhere else—as Henry Ward Beecher advised the Orangemen of New York, to march every day in the year if necessary, until they can do so with perfect peace and safety. Let there be an effective organization as complete as the one we have to fight. The Mormon Church organization includes a military organization; let us have one as effective as theirs—better if possible. Then, if necessary, pass the word and five thousand miners will rally in a few hours to the defence of free speech and republican principles. Such an event would be greatly to be deplored as it would be attended with fearful scenes and lawless violence. But, if nothing else will teach the poor willing tools of priestcraft to respect the rights of American citizens one dose of Napoleon's treatment of the Paris mobs will be a lasting and sufficient lesson. But mark it: *we must have effective organization.* We must know who are our leaders, and they must be men of the sterling kind—wise as well as brave should the crisis come—and many think it inevitable—the sneaks and hypocrites on both sides will fare badly.

"The majority of the citizens of these United States are unalterably opposed to the establishment of kingly or priestly assumptions and institutions on American soil, and with them I am willing to pledge our lives, our fortunes and our sacred honor to prevent such a calamity. HONORIUS."

The second meeting came, which was to give to our city the "hundred coffins." Here is the statement of Mr. Joseph Salisbury:

"The meeting was held in front of the Walker House on the evening of the 12th of October, 1872. As on the first occasion, I attended as reporter of the *Tribune*. During the day it was whispered around that an organization had been effected and that prominent men of the city authorities would be watched by armed members of the "G. L. U's." I subsequently learned that these were under the control of the chairman and that at his given signal the body were to move *en masse*.

"I soon discovered that the programme was well arranged, and saw men known to me as "G. L. U's," moving in the crowd in twos, with their hands upon their pistols, threatening those who dared utter the slightest murmer at the wanton denunciations against the Mormon leaders. It was at this meeting that the predictions uttered at the Liberal Institute and by Mr. Baskin in the *Tribune* office,

were to have found fulfillment, but associate justice Strickland exposed the movement prematurely when at the first sound of an opposing voice he arose and proclaimed:

"'*The first man who interrupts this meeting I will order shot! I mean what I say and say what I mean!*'

"The radicals were extremely dissatisfied at the indiscretion of their chairman, who should have given the signal at the opportune moment, instead of an untimely warning, in a clumsy paraphrase of General Dix's famous order—'Shoot him on the spot!'

"The friends of the associate justice explained that their chairman was 'drunk,' but among themselves they did not deny that there was a sober significance underlying his indiscretion.

"I subsequently learned, from conversation among the radicals that, had there been any counter demonstration, the 'G. L. U's' at a given signal would have fallen back to the side walk, in front of the Walker House, and that a volley from them, and others stationed in the windows above would have fulfilled the prophecy of U. S. Attorney Baskin—'We'll have a hundred coffins at our next meeting!'

"Signed." JOSEPH SALISBURY."

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## CHAPTEP LXIX.

CONGRESSIONAL HISTORY FROM 1870. LOCAL POLITICS CARRIED TO WASHINGTON. CONTEST FOR THE SEAT. THE ELECTION OF 1872. HOOPER RETIRES WITH HONORS. GEO. Q. CANNON ELECTED, AND POLYGAMIC COLORS NAILED TO THE MAST. MAXWELL AGAIN CONTESTS THE SEAT. THE "ENDOWMENT OATH" CHARGE AGAINST THE DELEGATE. DENIALS OF THE OATH AGAINST THE UNITED STATES BEING ADMINISTERED IN THE ENDOWMENT HOUSE. SCENES IN CONGRESS OVER UTAH AFFAIRS. NOTES FROM THE DELEGATE'S PRIVATE JOURNAL. HON. GEO. Q. CANNON TAKES HIS SEAT IN THE FORTY-THIRD CONGRESS, BUT A COMMITTEE IS APPOINTED TO INVESTIGATE THE CONTESTANT'S CHARGES. THE CONTEST CARRIED INTO THE SECOND SESSION. CANNON HOLDS HIS SEAT.

The election for delegate to Congress in the fall of 1872, requires the continuation of the Congressional line of the history from the passage of the Cullom bill to the date of the contest for the delegate's seat between George R. Maxwell and George Q. Cannon.

In 1870, the said George R. Maxwell, Register of the Land Office of the Territory, had been a candidate for the office of delegate to Congress against Delegate Hooper, but had been badly beaten, receiving only a few hundred votes

Geo. Q. Cannon

as against over 26,000 votes in favor of Mr. Hooper. On the strength of this meagre vote, he contested the seat, collecting a mass of testimony, and put the delegate to the trouble and expense of rebutting it. He relied altogether for his success on the prejudices which he knew existed against the Mormons; he also accused Mr. Hooper of disloyalty, and of having taken part against the Government during the Buchanan troubles; and of being unfitted as a delegate in Congress by reason of having taken the "endowment oath."

In the fall of 1872, while affairs in Utah were in the condition related in the preceding chapters it was determined by the leaders of the Mormon community that the Mormon case in its entirety should be sent to Washington. Delegate Hooper, who had represented Utah most efficiently and untiringly for ten years on the floor of the House, and who, in addition to this, had spent nearly two years in Washington as senator elect for the inchoate State of Deseret, trying to get the Territory admitted as a State, having served so long and faithfully, it was, by the People's party, deemed best to relieve him from the arduous duties of the position. Moreover he needed rest and, as a principal merchant and financier of our city, the privilege of attending to his affairs at home, and enjoying the society of his family and friends. He also needed the rest for recuperation, as it was certain should Utah be admitted as a State, at any time during the near succeeding years, Wm. H. Hooper would be called from his retirement to serve Utah in the Senate. The question then arose, in the People's party, "Who will be sent as delegate? Who is the most fitted man, at such a critical moment, to manage Utah's affairs in Congress." Many felt and urged that it would be a great misfortune to lose the service of Mr. Hooper at such a time. No man was better known in Washington than he. His reputation was excellent, and though known as a Mormon, it was generally understood that he was not a practical polygamist. He had served the Territory efficiently and to the satisfaction of his constituents, while at Washington it was confessed that Delegate Hooper had more influence than any man who had ever been sent to Congress from the Territories. This was probably partly due to the importance of Utah herself in Congress, as the peculiar problem of the Nation which was ever and anon coming up in Congress, provoking efforts for extraordinary special legislation, in the hope that finally some measure would be devised with capacity sufficient to solve the problem.

Others, namely the Gentiles, who had voted for the convention and the State with little faith in the value of the Mormon movement in the age, not only advised the sending of a conservative Gentile at that period to Congress but the renunciation of polygamy itself, and the practical abandonment of the Mormon mission in its vast society aims, allowing the church to quietly settle down to a respectable religious sect. Not so, however, will the Mormons ever think. Brigham Young and his apostolic compeers were never less willing than at that moment to resign their mission, nor has the Mormon Church to this day shown the first intention to give up the fraction even of her institutions. The fifth section of the State constitution signified nothing of compromise from the Church, nor any promise made to Congress touching *her* future conduct; but simply left the affairs of the State to the State, and of the Church to the Church. Had Congress at that time admitted Utah as a State, defining its own terms as invited in the fifth section, the

people of Utah must have accepted the State as constructed by Congress; but as Congress did not, and as the anti-State party in Utah in this matter prevailed, the Mormon community naturally returned to their old position.

The general feeling among the clearest thinkers of Utah was, to send a strictly socialistic representative man. In the person of George Q. Cannon the Mormons believed they had such a man. "But," it was urged by some timid persons, "he is an apostle and a polygamist. If you send him, your enemies will say that you mean to defy public sentiment, and you will be sure to evoke strong opposition." President Young, however, was in favor of his nomination, and the people determined to elect him. They certainly had the right, they said, under the constitution, to choose whom they pleased to represent them, so long as he possessed the constitutional qualifications. What had a representative's religion or family relations to do with his qualifications for Congress? Catholics and Jews had been deemed suitable for legislators in free America, and why should Mormons be deprived of this right?

A writer on the matter thus commented:

"It was a grand manifestation of faith and righteousness, when George Q. Cannon, an apostle and polygamist, was sent to Congress. The Mormon people have never from the first moment shirked their responsibilities, but have courted a righteous trial of their cause. Milton's motto: 'Give truth a fair and an open field; let her grapple with error; whoever knew truth worsted?'—has been well applied in their case. They have never shunned investigation, but have ever met with resignation even their imprisonments and martyrdoms. At this very period President Young, as we have seen, had just submitted to arrest and imprisonment, from which he was only relieved by the decision of the Supreme Court of the United States.

"Upon consideration, the honorable anti-Mormon must confess that next to giving up their 'institution,' the most proper thing for the Mormon people to do, was to boldly send their cause to Congress, in the person of a polygamic representative. It was Congress that gave them an anti-polygamic law, which even a missionary judge could not twist into an effective form; Congress, that was everlastingly in travail with special legislation for Utah; Congress and the President of the United States, who insisted that 'polygamic theocracy' must be brought to trial somewhere or somehow. 'Polygamic theocracy' could therefore have chosen no better field of mission for one of its ablest apostles than Congress itself. Half a dozen earnest Mormon elders in Congress, would be the rarest godsend that the nation has seen for the last quarter of a century.

"The institutions of that people are truly embodied in President Young, but he could not go to Congress to stand in their stead. One therefore had to be chosen worthy both to represent Brigham Young and the Mormons, as a people, as well as the general interests of Utah, as a Territory. George Q. Cannon was the man, and there is no doubt that his election meant as much in the minds of the whole community."

The grave importance of the contest of the Liberal party with the People's party in the election for delegate in August, 1872, was not in the number of votes which the Liberals gave their candidate, Maxwell, but in the nature of the case as

thus expounded; for clearly if a system could be brought to trial in the person of Brigham Young in a U. S. District Court, in Salt Lake City, similar could be done in the person of George Q. Cannon in Congress. The logic of facts would have met the successful delegate at the very threshold of Congress and excluded him, had the Supreme Court of the United States allowed polygamic theocracy to be tried, found guilty and imprisoned in the person of Brigham Young. The decision of the Supreme Court, disallowing Judge McKean's doings, had, it is true, somewhat changed the case from the McKean construction, nevertheless the party that sent George R. Maxwell to Washington anticipated some very thorough special legislation before the close of the forty-second congress, which would restore the case substantially to the McKean design by an act of Congress, more legal in form but identical in spirit and aim. "Polygamic theocracy" could be disfranchised and made ineligible for office in the persons of its upholders; and the history of all the special legislation or attempts of members of Congress to construct and pass acts to meet the Utah case determine strongly on this line—namely the political disabling of the entire Mormon community. Such was the significance of Maxwell's contest with Cannon; and preposterous as it would seem, the party that sent him to Washington actually expected that the Gentile contestant would take the Mormon delegate's seat.

On the 10th of September, 1872, in Salt Lake City, the Secretary of the Territory, George A. Black, in the presence of Governor Woods, opened and counted the official returns of the election held on the 5th of August last. Hon. Geo. Q. Cannon was absent, having started for California, but he was represented by Hon. S. A. Mann, late Secretary and acting Governor of the Territory, and Hon. John T. Caine; General Maxwell was present, accompanied by Rev. Norman McLeod.

The total vote cast was 22,913, the distribution of which was: for George Q. Cannon, 20,969; George R. Maxwell, 1,942; W. H. Hooper, 1; P. E. Connor, 1.

General Maxwell read a protest against the certificate of election being given—the protest being substantially the same as his memorial to Congress in his contest with delegate Hooper in the election of 1870. Messrs. Mann and Caine contented themselves with quoting the law, and showing simply that the Governor had no option in the matter, his duty being plain, to grant the certificate to the candidate having the greatest number of votes; it being the province of the House of Representatives of Congress, alone, to decide on the qualifications of its members. Failing to obtain the certificate the said contestant, George R. Maxwell, caused a notice to be served on Delegate Cannon that he should contest for the delegate's seat.

To aid Maxwell in his contest at Washington, certain apostates from the Mormon church made affidavits that such an oath, disloyal to the United States, as charged against Geo. Q. Cannon, was administered in the endowment house, and the intention was that all such affidavits from apostate Mormons, who had been through the endowment house, were to be furnished by the contestant Maxwell to the committee on Territories, showing sufficient cause on testimony that Geo. Q. Cannon was ineligible to Congress, and unworthy of citizenship, by said disloyal oath taken against the United States. Probably had the conspiracy been al-

lowed to consummate, delegate Cannon never could have taken his seat; but many prominent apostate Mormons were equally as concerned as Geo. Q. Cannon; and they had given abundant evidence that they never did, and never would have been induced, even at the penalty of their lives, to take an oath disloyal to the United States. The *Tribune*, in behalf of these gentlemen, came out flatly with a denial in its editorial columns. Eli B. Kelsey also made an affidavit upon the case, directly testifying that he had been through the endowment house, and had passed through *all* the ceremonies and administrations of the house, and no such oath against the United States had ever been administered to him. His affidavit was forwarded to the committee on Territories.

It so happened that just at this time, the Salt Lake *Tribune* was advocating the policy, and recommending it to the Government, of the appointment of Mr. J. R. Walker as governor of Utah Territory; at which Oscar G. Sawyer, smarting under his retirement from the editorship of the *Tribune*, in his little paper, the Salt Lake *Mining Journal*—not only dubbed Mr. J. R. Walker a "tape seller," without capacity for the governorship, but affirmed that he was as inelligible as Cannon, for similar reasons, he having once belonged to the Mormon Church in in Utah. This brought Elias L. T. Harrison out in a lecture on the endowments, delivered in the Liberal Institute, in which he also declared most solemnly to the public that no such oath of disloyalty to the United States was administered in the endowment house.

General Maxwell, however, carried his contest to Washington according to his notice. He did not accuse Mr. Cannon of rebellion during Mr. Buchanan's time, but persisted in his charge of the "endowment oath," as he had against Mr. Hooper, with the additional charge of his having conspired with Brigham Young and others to intimidate voters, under threats of death if they did not vote for him; and also charged him with living in polygamy in "violation of the laws of God and his country," with four wives. At the opening of the Forty-third Congress, Maxwell was present, and with some friends to help him, endeavored to create an influence among members adverse to the delegate elect. When the members were being sworn in, he succeeded in inducing Mr. Merriam, of New York, to introduce a resolution into the House embodying in brief his charges against Mr. Cannon. According to the rules of the House, one objection offered by a member, can prevent the swearing in of another, until it is disposed of by the House. He therefore had to step aside until the other delegates were sworn in; then the resolution came up for discussion. The leading men of both political parties spoke against the resolution. The reading of his certificate of election was demanded, and as it stated that his vote was over 20,000 above his opponent's, it created a sensation. It was clear, according to all precedents, and the rules of the House, that he had a strong *prima facie* case, and was fully entitled to his seat. On motion, the resolution was tabled, only one dissenting voice being heard, and Delegate Cannon was sworn in.

Every effort was made by the contestant Maxwell, during that session, to get him unseated, but, the committee on elections, by unanimous vote, decided that Maxwell was not entitled to the seat, and by a like vote declared that Cannon was. Upon all subjects connected with the Mormon question, there is great sen-

sitiveness and timidity manifested by members of Congress. They are strongly adverse to putting themselves on record in such a manner as to expose them to the charge of being favorable to Mormonism: therefore, when a resolution was introduced by a member by the name of Hazelton, appointing a committee to investigate the Maxwell charges, though many were opposed to it, it received a majority vote. Action, however, was not had upon it during that session, and in the second session of that Congress, although the matter was pushed, in committee, to the extent of recommending a resolution to "exclude" the delegate, it was never considered by the House.

To the foregoing general sketch may be appended the following very interesting notes of that date, from the diary of a Mormon leader, who was sent to Washington to assist Delegate Hooper in his unexpired term, and to prepare the way for Delegate Cannon's work in the next Congress.

"*January 28th, 1873.*—The amendment which Brother Hooper made to the Colorado Bill for the admission of Utah, with Sargent's amendment for the prohibition of polygamy, etc., came up to-day. He had heard that a bitter discussion would be evoked, so he tried to withdraw his amendment, having obtained Mr. Sargent's consent thereto. But Coghlan of California objected. He afterwards consented to withdraw. Then Negley of Pennsylvania renewed the amendment. He was induced to withdraw; and then Merriam of New York renewed again. Claggett of Montana was charged for the occasion, and as it was known he was very bitter against Utah, and would attack her savagely, our enemies wanted to fire him off. Several members had each five or ten minutes granted them by Taffe of Nebraska who had the floor; he also gave Claggett five minutes. He fulfilled expectations in the fierceness and brutality of his attack. The five minutes ended, the House gave him five minutes more. Still eager to hear more of his brutal and slanderous abuse, they gave him three minutes more—ostensibly thirteen minutes, but really upwards of twenty minutes. There were numbers of men on the floor who had been to Utah, who, if they knew anything, must have known he told falsehoods and misrepresented the people; but no voice was raised to correct his statements, to check the torrent of the vile stream of vituperation which flowed from his lips; not even to refuse to grant him more time to the extent he desired, though one objection was all that was necessary to stop him under the rules. The fact is the modern politician is a moral coward. He has not the courage to defend a weak, unpopular side, especially if the question of 'Mormonism' be involved. They are as afraid of being suspected of having any sympathy with that, as they would be of the contagion of the smallpox. The truth is there is no sympathy between them and it—between vice and purity—error and truth, fraud and honesty. I am disgusted with them. Col. Sam. Merritt of Idaho, who resides in Utah, was evidently pleased with the performance. I afterwards went to where he and Kendall of Nevada—a man whom our people's vote helped to elect—were sitting talking, and told them a little of my mind. I was indignant. Kendall soon moved off to his seat. I talked plainly to Merritt and made him acknowledge that statements made by Claggett were false.

"*Jan. 29th.*—By appealing to the House Captain Hooper succeeded in obtaining half an hour to deliver his speech in. As he finished Claggett jumped up

and requested ten minutes for reply. Then succeeded a scene which I scarcely ever saw paralleled in Congress. The members gathered around him and listened to him with great interest. When his ten minutes were exhausted, cries of 'go on, go on,' were heard from all sides. Time was granted him to continue, not an objection being made. Oh, it was pleasure to many to hear the 'Mormons' denounced, to hear Brigham Young villified and Utah held up to public odium, and execration! He had not finished his tirade when his time again expired. Again his time was renewed; but on motion of Mr. Cox of New York, on the condition that the Delegate of Utah have five minutes to reply. With these extraordinary evidences of sympathy from his audience Claggett was greatly fired up. They were ready to swallow every thing he might say. He gave his imagination reign; he reveled in his false descriptions of affairs in Utah and closed with a sensational attack upon the marriage institution of Utah; and when he closed members and galleries joined in hearty applause, unchecked by the Speaker.

"Brother Hooper commenced to reply; but the interest was ended. No one listened to him. Members all scattered to their seats and engaged in conversation, writing, etc. He labored through his time and requested more time; but this was refused, Bird of New Jersey, a democrat, making objections. He asked as a boon the privilege of printing his remarks. This was not objected to; so by their silence it was assumed by the Speaker that he could print the remarks he wished to make.

"Fifteen minutes by a self-possessed, good debater, well posted in Utah affairs, would only be required before an audience who would listen and judge fairly to utterly demolish Claggett's fictions and sophistry and lay them bare to the country.

"*Monday, Feb. 3d, 1873.*—President Grant was waited on by Claggett and Merritt of Idaho, and Negley of Pennsylvania, on last Saturday to represent the terrible condition of affairs in Utah, and ask for action. Grant is reported to have said that 'the final issue with Utah cannot be avoided.'

"*Feb. 4th.*—Yesterday, President Grant went to the Capitol. His unusual presence there excited surprise and comment. It was soon noised about that Utah affairs had called him there. He had interviews with the judiciary committees of the Senate and House, and told them that there must be legislative action on Utah. He appeared to be resolved to get some bill passed that would enable his myrmidons to carry out the course of tyranny and oppression entered upon by McKean, and in pursuance of which, as the latter said, by the express wish and approbation of President Grant, he had been checked by the Supreme Court. Grant is reported to have said, if the 4th of March came without legislation, he would put his troops into Utah and nail the thing by that means. What he would do with his troops, of course his hearers were left to imagine.

*Wednesday, 5th.*—Merritt of Idaho presented a memorial to the House yesterday from a number of lawyers of the Salt Lake City bar, setting forth the inadequacy of the laws of Utah, their hurtful tendency, their opposition to the genius of the Government, and the disloyal sentiments and actions of the Legislative Assembly of Utah, and asking for Congressional action. He also introduced a bill to promote justice in the Territories, etc., which had all the hateful

features of the Voorhees Bill framed and introduced against us. The passage of such a bill would put the lives, the liberties and the property of the Latter-day Saints at the mercy of the ring of United States officials and their satellites, and open wide the doors for every species of corruption to flow in unchecked. We found by comparing the references made in the memorial to the laws with the laws themselves, that they have quoted laws which have been repealed, they have quoted as laws of Utah extracts which have no existence, they have garbled laws, and they have left out the context of laws. The whole is a tissue of misrepresentation and falsehood. This is the constant practice of our enemies—to lie and misrepresent. But will Congress be enlightened? Does the President of the United States want us sacrificed? There are those who would have no sentiment of pity for us, if they knew that we were innocent of the charges made against us. There are those who if the truth were laid before them, would not take the trouble to examine it and satisfy themselves about the matter in a proper manner. We must, however, do the best we can and leave the event with the Lord. He is a friend who never has, nor ever will forsake His people. I have felt tranquil and joyous this week, I have no fears or apprehensions, though humanly speaking, the prospects are threatening. This is a time concerning which the Prophets Joseph and Brigham and others have spoken—the time when we would have the Government arrayed against us as in a national capacity, as towns, counties and States had done in their spheres. If the bills framed against us should any of them pass, it would be as gross a violation of the Constitution and the spirit of the Government as the acts of the mobs in Missouri and Illinois. It would be nothing more than the law of might. I feel that the Lord will provide a sacrifice in our stead, as he did the ram in the thicket when Isaac was bound and laid upon the altar.

"*Friday, 7th.*—To-day we got a printed copy of the bill introduced by Mr. Frelinghuysen of New Jersey into the Senate. It is similar to the Merritt Bill. They will have them grinding at both ends so that there may be no delays about the passage. Our enemies are sure of catching us this time. Mr. Sam. Merritt said to-day, so I was told, that on Monday next the Judiciary Committee would meet to take his bill into consideration; they would report it to the House, as they had the right to do at any time under the vote of the House last Monday, and the House would pass it. Mr. Sam. Merritt does not take the Almighty into account at all. These are transactions with which, in his opinion, he has nothing to do. But we shall see. Oh, Lord, defeat these men in their wicked and bloodthirsty schemes, and save those who put their trust in Thee, for Thou alone can save—Thou alone hast pity for us: I ask this in the name of Jesus. Amen.

"*Feb. 11.*—The agent of the associated press at Salt Lake City is the champion liar in his class. Every day we have a batch of inflammatory and lying dispatches from there, sent with a view to influence Congress in our case. The House Judiciary Committee meet to-day to discuss the Merritt bill. Efforts have been made to get an opportunity to make an oral argument before them; but the chairman, Judge Bingham, would not consent. He was, however, induced to say that if Mr. Fitch, who had written a legal argument against the bill, would attend the meeting this morning, he might have time accorded him. Mr. Fitch was

there and had about ten minutes given him. The other members would have liked to have heard Mr. Fitch longer; but Bingham was evidently anxious to have him stop, though he complimented him on his written argument which he said he had read.

"Butler, of Massachusetts, in speaking of the plan proposed in the bill for the summoning of juries, said that when he was in the army they got up a case against him at Baltimore, and the United States marshals summoned the jury. He found among the jurors three men whom he had had in irons!

"*Feb. 13th.*—At the House to-day I was told in confidence that President Grant had a message in course of preparation on Utah which would probably be sent in to-morrow. It would ask for legislative action so that Utah might be put under the civil power, (Grant assuming, I suppose, that it is not so at present,) or he would be under the necessity of putting it under the military.

"*Feb. 14th.*—Before going to bed last night I asked the Lord to give me a dream, my mind being occupied with what I had been told concerning Grant's message. He heard my prayer. I dreamed that a company of brethren were assembled, who were dressed in uniform. I was among them, and was one of the officers. We were expecting an attack from an enemy, who was formidable in numbers and equipments, and whom we were looking for every minute. They were moving upon us, I thought, with rifled-cannon, improved fire-arms and ammunition, and in great force. I thought we were drawn up in line to receive them. In falling into line with the other officers, I thought I got into one of the most exposed positions. I was aware of it, and saw from the direction of the enemy I should be hit before some of those near me could be reached, as my body covered, in military parlance, theirs. We were nerved up, expecting each moment the shock of battle. There was no flinching. I thought my position a very exposed one, and I seemed to take in all its danger and to feel that a volley of grape and canister would be likely to hit me; I was nerved up and had a feeling of suspense that was intense, such as a man might have who expected the next second the attack of a desperate foe. While in this frame of mind all at once we found the enemy had disappeared. How they had gone and where they had gone, I do not now remember; but the reaction when I knew they had gone, was as great and real as it seems to me it could possibly be if it were a scene in real life. We felt we had been brought face to face with death and had escaped, and praise and thanksgiving filled our hearts. I then awoke and thanked the Lord for the comfort conveyed to me in the dream. The message was brought in, as my informant told me it would be, but was not read. The New York *Herald* of this morning gives an account of a conversation that Claggett and Merritt had with Grant; they urged him to send a message to Congress. The prospects look threatening. But God reigns, and as General Grant seems disposed to emulate the example of Pharaoh of old, we shall see whether he will be any more successful than Pharaoh was. I have no doubt but that the Lord will make Grant's wrath a cause of praise to him.

"The message appeared in the morning papers, and whether it was on this account, or some other, when read in the House to-day it fell like a wet blanket upon the members. I never saw a document read which appeared to attract less

attention than did this. I was around all day conversing as I had opportunity with members. A better feeling prevails than I could expect under the circumstances. Senator Pool of North Carolina, member of the judiciary committee of the Senate, told me some of the features of the amended Frelinghuysen bill which they had agreed to report.

"*Feb. 22.*—General Sherman, whom Captain Hooper met in the Senate chamber, told him that he had said to Grant, with whom he had attended a dinner party, that his action in relation to Utah was all wrong. For this advocacy of our cause they had laughingly called him a Mormon.

"We have a perverse and unscrupulous enemy in John P. Newman, the Senate chaplain.

"*Feb. 25.*—In the evening I went to the Senate, where Captain Hooper had spent the entire day. The subject of discussion there was the Frelinghuysen bill. It passed a little after midnight on a vote of 29 for and 10 against it. The Democrats, with Carpenter, Trumbull and Schurz voted against it. It was fought inch by inch by Thurman, Bayard, Carpenter, Trumbull, Casserly, Stewart and Nye; the bitter speeches made by Logan of Illinois and Windom of Minnesota had a telling effect, though composed of illogical, slanderous and untrue statements. The clause giving the deputy marshals the authority to call on the military when they were threatened with resistance was discussed with ability by Bayard and Trumbull. They denounced this ready appeal to the bayonet to enforce civil process. I felt that the day would yet come when those who were determined to have this feature in the bill would be made to groan under the tyranny of soldiers and be humbled in the dust. The Constitution has fallen into disrepute and the will of the majority has taken its place.

"*March 1st.*—To-day our enemies in the House were anxious to get up the Frelinghuysen bill, which had passed the Senate, and pass it through the House. They had resolved upon getting it up this evening. All the feelings that I had in my dream I began to experience this evening. There was a time that I awaited its advent as I imagined in my dream that I awaited the shock of battle. I was nerved up in the same way. Claggett acted like a hen that wanted to lay. He was fidgetty and anxious; a delivery would relieve him. He got the floor and was twice recognized by the Chairman of the Committee of the Whole, Mr. Wheeler, and had his speech prepared, written out and in his hand; but he was choked off both times; the first by Mr. Farnsworth introducing an amendment, the last time by General Garfield moving the previous question, despite the remonstrances of Claggett, by which further debate was cut off. He intended to commence by speaking on some claim, I was informed, and then branch off on to the Utah question, feeling confident from his past success in getting the ear of the House, that he could secure a hearing again. Merritt had also come down to the front to be near Claggett to support him. As soon as Claggett found that he could not interject his speech in then, he went over to Judge Bingham, of Ohio, chairman of the Judiciary Committee, and had a consultation with him. It was then arranged, as I afterwards learned, that further on in the evening Bingham was to try to get it up. Maxwell was back in Claggett's seat waiting for the onslaught with great anxiety. Claggett went back and had a talk with him, and

then went off to smoke. In the meantime a collation had been prepared in a committee room down stairs, and some excellent punch, so said, had been furnished. Of this many partook freely, and about midnight the effects were very visible in the noise and confusion which prevailed. Beck, of Kentucky, made a motion to take a recess till 9 o'clock, Monday morning; other motions to adjourn and take a recess were also made, but with no effect; they were voted down two to one. Every moment I expected the Frelinghuysen bill to come up. The noise and confusion increased, and finally General Garfield made a motion to take a recess until Monday morning, 9 o'clock—the same motion they had voted down just before—and it was carried. We rejoiced exceedingly. We had another day's grace. We had a quiet Sabbath granted unto us, and I praised the Lord. Merritt afterwards said that we owed our escape to that punch. Bingham had 'got tight,' he said, and they could not trust him to present the matter. Claggett, Merritt, Maxwell & Co. were mad; but we were gratified.

"*Monday, March 3rd.*—The rules being suspended for the purpose of getting through the calendar, there appeared no human possibility of escape, for the Frelinghuysen bill was on the calendar, low down it was true, but at the rapid rate they were crowding through legislation it could not be long until it was reached. Claggett and Merritt were very active and very gleeful. The latter told me they had got us now, and swore by his maker that they were going in for results now and not for talk. Brother Hooper saw Claggett, and to see how he felt, asked him if he thought the bill would pass. He swore and said that it had to pass, that he would force it through. They, every little while, would go up to the Speaker's desk where the bills lay and examine the pile to see how far it was down. Maxwell and they were in great glee. I did not see how we could escape, but yet I had faith that something would interpose to prevent the passage of the bill; but I did not know what it would be, or how it would be prevented. At 5 P. M. took recess till 7.30, and still it was not reached. I paced up and down within hearing of the business, and called upon the Lord in my heart for that deliverance which I knew that no one but He could give. The exultation of our enemies was unconcealed. In imagination they already had their feet upon our necks.

"Two o'clock in the morning of Tuesday came and still they were crowding through bills. There were but two bills to pass, and they could be passed in two or three minutes, and then the Frelinghuysen bill would be reached. Confusion and excitement prevailed, and any attempt to reason upon such a subject, with so great a feeling of hurry prevailing, would be useless. We had done all in our power, and only the power of God could now prevent the passage of the bill. Just then the Judiciary Committee brought up the impeachment cases of Judge Delahay, of Kansas, and Judge Sherman, of Ohio. This subject consumed an hour. Three o'clock had come, and still no action on the Frelinghuysen bill. Then members began to present resolutions, bills, etc., upon which they wanted action. Speaker Blaine recognized them, and half an hour was thus consumed. Our enemies, active and urgent, tried to press the Frelinghuysen bill on to the notice of the House, but in vain. I felt faint and hungry, and went down to the restaurant and got a little refreshment, was only absent a few minutes, and when

I came up, the House had just taken a recess until 9:30. I was surprised and yet exceeding glad. I thought of my dream again. The dispersion of the members reminded me of the dispersion in the dream. Our enemies were swearing mad. Merritt said we had bribed the Speaker and that "damned old Bingham." Claggett and Maxwell were also furious.

"*March 4th.*—This morning they commenced at the calendar. The two bills were soon passed, then came the Frelinghuysen bill; but Mr. Sargent, of California, objected to the consideration of so important a bill when there was no quorum present. It was laid aside informally; and from that time until 11:30, when upon motion, it was decided to transact no more legislation, it could not be reached. Business of various kinds was attended to, but that could not be got up. Our enemies were raging. Maxwell said he would take out British papers and be an American citizen no longer. Claggett asserted that we had spent $200,000 on the Judiciary Committee, and Merritt swore that there had been treachery, and we had bribed Congress. But I praised and thanked God, who was our friend and mightier than they all. By seemingly small and insignificant means he had brought to pass marvelous results, and to him all the glory was due.

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## CHAPTER LXX.

POLITICAL COALITION OF 1874. JENNINGS FOR MAYOR. ELECTION FOR DELEGATE TO CONGRESS IN 1874. BASKIN NOMINATED. ELECTION DAY. U. S. MARSHAL MAXWELL AND HIS DEPUTIES TAKE CHARGE OF THE DAY AND THE POLLS. TUMULT IN THE CITY. THE CITY POLICE ARRESTED BY THE U. S. MARSHAL AND HIS DEPUTIES. U. S. DEPUTY MARSHAL ORR ARRESTED BY THE POLICE AND IS *HABEAS CORPUSED* BY JUDGE McKEAN. THE MOB ASSAULT MAYOR WELLS AND TEAR HIS COAT TO PIECES. HE IS RESCUED BY THE POLICE FORCE, AND DOORS OF CITY HALL CLOSED. THE MAYOR APPEARS ON THE BALCONY AND GIVES THE ORDER TO HIS FORCE TO BEAT BACK THE MOB, WHICH IS INSTANTLY DONE. THE SEQUEL. CANNON ELECTED BY A 20,000 MAJORITY AGAINST A 3,300 VOTE OF HIS OPPONENT; BUT BASKIN CONTESTS THE SEAT IN CONGRESS.

From its organization, it had been the policy of the Liberal party, in the municipal elections of Salt Lake City, and also the Territorial elections for members to the legislature, to construct their tickets with the names of representative citizens, among whom were some of the founders of our city's commerce. This was obviously sound policy; for such men as Henry W. Lawrence, J. R. Walker, S. Sharpe Walker and William Jennings were very proper men to fill any of the offices in the municipality or the legislature; but when it came to the election of delegate to Congress, a straight Gentile was always chosen, who had never in any

way been associated with the interests of the Mormon commonwealth, or even with the founding of Utah.

Indeed, in the first years of the existence of the Liberal party, the Federal officers, politicians and adventurers, who came to the Territory from about the beginning of 1869, sought the entire rule of Utah; and they seemed to have had nearly as great an antipathy to those influential seceders, who had been connected with primitive Utah, as to the same class of men who remained inside the Mormon community and who, as the People's party, stood a barrier against their political and social encroachments. These leaders of the Liberal party only used the names of such men as J. R. Walker, S. Sharpe Walker, Henry W. Lawrence, W. S. Godbe, Samuel Kahn, Fred Auerbach and such others, for their own ends. Of themselves, there was no account of service whatever standing between them and the city or Territory. In 1870, as before noted, Henry W. Lawrence was chosen to lead the Liberal ticket for mayor of Salt Lake City. He had been several times a member of the city council; was once the Territorial marshal; was one of the founders of the city's commerce, and for many years a prominent man in the Mormon community. In changing from Mayor Wells, had Lawrence remained with that community, there was no man in Salt Lake City more likely than he to have been elected its mayor by the People's party. So also, S. Sharp Walker, J. R. Walker or Fred Auerbach would have been elegible at any time for the office of chief magistrate of our municipality in the estimation of all classes, providing their names were unencumbered with the dragon's tail of the Liberal party. Indeed, it would be safe to say that, at any time during the last twelve or fifteen years, had Mr. J. R. Walker been nominated to any office in the gift of the people, on a straight citizens' ticket, aside from both parties, with his personal honor pledged to serve in the spirit of his nomination, he would most likely have been elected without opposition, unless it had come from the Liberal party itself. An example of this was given by the nomination of Mr S. Sharpe Walker by acclamation, at a mass meeting as one of the delegates to the constitutional convention, to which he barely escaped being elected, notwithstanding his published card declining the nomination. Mr Walker's nomination was dissimilar from that of the Gentile nominees, who were chosen for their influence, and experience in politics and State-founding. "Sharp" Walker was chosen purely as one of our prominent citizens and principal men in commerce, finance and the mines of Utah.

In the municipal election of 1872, the Liberal party nominated S. Sharpe Walker for mayor.

But in 1874, at the municipal election, the managers of the Liberal party changed their tactics and constructed their ticket with Wm. Jennings, for mayor, accompanied with other leading citizens of the Mormon community, whose names were most acceptable, including Feramorz Little, Bishop John Sharp, A. C. Pyper and the regular city treasurer and city recorder.

The policy of this move, on the part of the Liberal managers, was to present the names of men in the contest who not only were not committed to the Liberal party, either in association or sympathy, but who belonged to the Mormon community, and politically to the People's party. It was thought that by this manœuver party restraint would be taken from a division of the People's party,

who would vote their preference for Jennings and others, while the Liberal party would come in with a solid vote, suspending their own party ticket for the occasion, swelling the split vote of the People's party, and aiming to carry the opposition into office. The same scheme has been tried in the Ogden and Weber county elections, and on one occasion the opposition, with Aaron Farr running against Franklin D. Richards, for the probate judgeship, nearly gained the day. The operation of the scheme was somewhat similar, in the contest between Wm. Jennings and Daniel H. Wells, in the municipal election of 1874, in Salt Lake City. There were four tickets put before the public on this occasion, two of which entered the contest. Here follow the tickets with their history and results.

The People's ticket, nominated at the mass convention held in the Tabernacle, January 31: For mayor, D. H. Wells; for aldermen, Isaac Groo, George Crismon, Jeter Clinton, John Sharp, A. C. Pyper; for councilors, Brigham Young, Theodore McKean, Albert Carrington, J. R. Winder, Henry Grow, N. H. Felt, David McKenzie, Feramorz Little, Thomas Williams; treasurer, Paul A. Schettler; recorder, Robert Campbell; marshal, J. D. T. McAllister.

The "non-Mormon ticket": For mayor, Joseph R. Walker; for aldermen, Dr. J. M. Williamson, Fred. T. Perris, Harvey Hardy, H. C. Goodspeed; for councilors, John W. Kerr, C. C. Clements, John Lowe, Louis Cohn, R. N. Baskin, Joseph Dyer, Don C. Butterfield, T. D. Brown, John S. Atchison; for marshal, D. R. Firman; for treasurer, John Chislett; for auditor and recorder, Wm. P. Appleby.

The Working People's ticket: For mayor, Wm. Jennings; for aldermen, J. M. Benedict, Fred. T. Perris, N. Groesbeck, H. C. Goodspeed, A. C. Pyper; for councilors, Adam Speirs, John Lowe, T. D. Brown, L. S. Hills, Elliot Hartwell, T. R. Jones, P. Pugsley, F. Auerbach, A. White; for marshal, D. R. Firman; for treasurer, Paul A. Schettler; for recorder, W. P. Appleby.

This third ticket seems to have suggested new ideas to the managers of the Liberal party; and, for once, to take advantage of the occasion, they laid aside their anti-Mormon malice and let the sounder judgment of the citizens themselves prevail over the "ring" policy which had hitherto dominated, and the result was a strong ticket composed of representative Mormons, five of whom were on the regular People's ticket. This opposition ticket also bore the regualar name —"The People's Ticket." For mayor, William Jennings; for aldermen, J. M. Benedict, A. Miner, N. Groesbeck, John Sharp, A. C. Pyper; for councilors, L. S. Hills, P. Pugsley, H. P. Kimball, Adam Spiers, Geo. Crismon, E. T. Mumford, R. B. Margetts, Feramorz Little, Thomas Jenkins; for treasurer, P. A. Schettler; for recorder, Robert Campbell; for marshal, Henry Heath.

On Saturday evening, previous to the election on Monday, at the meeting of non-Mormons in the Liberal Institute, it was intimated that there would be a change in the ticket; and early Monday morning that change was announced in posters circulated throughout the city, signed by all the non-Mormon candidates, declining election, and calling upon their friends to vote the ticket headed by William Jennings for mayor.

The election day was full of life, bustle and good humor. At the City Hall the main forces of each party were centred. Here, the noise, bustle and confusion were

intense, yet, withal, the best of feelings prevailed; not a fight nor other disturbance occurred. The canvassers for the opposition worked well for their party. Carriages and hacks were kept running all day, taking ladies to the polls, who turned out in greater numbers than ever before at an election in the city. During the day the National band was driven through the city in a wagon, with "For mayor, William Jennings," on the sides of it, and flags flying therefrom.

At 6:30 P.M., the ballot boxes were returned from the several municipal wards to the City Hall. The mayor directed the recorder to send invitations to Messrs. J. R. Walker, Fred. Auerbach, General P. E. Connor and Captain Bates, to be present to witness the opening of the ballot boxes and the counting of the votes, in the interest of the opposition.

Alderman Pyper, and Messrs John T. Caine, B. H. Schettler, John R. Winder, T. G. Webber and Paul A. Schettler were invited to assist the recorder in counting the votes.

There was a larger vote polled on that election day, for our city officers than ever, either before or since. Daniel H. Wells for Mayor received 3,948 votes, and the other names on his ticket similar votes; while Wm. Jennings received 1,677 votes and the others equal, excepting the names which were alike on both tickets, which gave the total of votes: For Alexander C. Pyper, 5,482; John Sharp, 5,477; Feramorz Little, 5,461; Paul A. Schettler, treasurer and Robert Campbell, city recorder, similar. It will be seen that Alderman A. C. Pyper received the greatest number of votes ever cast for a member of the Salt Lake City council, and that the opposition ticket was not altogether a failure, having given the very fair minority vote of 1,677, and swelled the majority of five men on its ticket to a total greater than was likely to be cast on any one side in our city elections for a quarter of a century then to come.

But this fusion scheme, so far as the Baskin-Maxwell managers were concerned, was to make preparation for the August election for delegate to Congress, when it was designed that Baskin should go the next term to contest with Cannon for his seat. It seemed certain to these Liberal leaders that, could they by their scheme carry an opposition into power from the People's party itself, it would induce the minority of that party, for permanence of power and office, to reciprocate and coalesce with the Liberal party when its turn came to carry their man. Nothing, in fact, was more certain to the subtle, directing brain of R. N. Baskin than that, could he but carry to Congress, if no more than a thousand Mormon votes, secured throughout the Territory by such a scheme to divide political Mormondom, his claims in Washington would be greatly enhanced.

But the Mormon community, in the August election of the same year, received another very striking lesson what an anti-Mormon party, under whatever name, signified to Utah, in every case, whether in success or defeat. That most significant question of the ancients was brought home—"Can the leopard change its spots, or the Ethiopian his skin?" They learned what Eli B. Kelsey discovered and declared in 1871, namely: that no division of the Mormon community could coalesce or in any way work with this Liberal party without betraying themselves, at least, and aiming (though unwittingly) at the betrayal of the entire Mormon people.

Having well laid their plans, the Liberal convention was called, by the Liberal central committee, to meet in Salt Lake City at the Liberal Institute, July 20, 1874, to nominate a delegate to Congress. There were present at the appointed time quite a fair assemblage of the ablest men of the party throughout the Territory, especially from the mining camps.

The name put forward at first was that of H. W. Lawrence, and he, though stating his declination to his colleagues, was nominated as "our delegate to Congress," to allow the managers to gracefully bring Mr. Baskin to the front without seeming ingratitude to one who had served his party well. Henry W. Lawrence and William S. Godbe had done good service in the building of the Institute, giving birth to the party, and in many other ways, furnishing a while out of their own purse two hundred dollars a week to support the Salt Lake *Tribune* alone.

The nomination was fairly due to Mr. Lawrence; and then it kept up the pleasing fiction that our represesentative citizens, who had grown up with the community, and who had long been the architects of Utah's commonwealth, were not merely used by the politicians for their own purposes.

In the dilemma, in which the nomination of Mr. Lawrence had left the convention, Judge Haydon came to the help, upon a motion from one of the delegates to make the nomination unanimous. It was against his political principles, the judge said, to force a nomination upon any man, no matter how much he might respect him for his services to the party, etc., etc. He, therefore, objected to the making of the nomination of Mr. Lawrence unanimous. Vent being thus given by Haydon, others found breath, and then Mr. Lawrence insisted upon the convention's respect to his repeated refusal of the honor. The business was now clear, and R. N. Baskin was quickly nominated unanimously, not only to contest the election at the polls, but to contest for the delegate's seat in Congress; such, indeed, was the duty imposed in the discussion of the day. The convention had done precisely what it met to do, namely, to send Mr. Baskin to Washington on a mission; the August election was merely the pathway.

Never before had there been such an election as that held on Monday, August 3d, 1874. The occasion of an election of a delegate to Congress that year, gave to General Maxwell, who was at that time U. S. marshal for the Territory, the power to apply the election "bayonet law," enacted for the reconstruction of the South. He engaged a strong posse of resolute deputy marshals, and it would seem from the development of the action of the day that the purpose was not only to take possession of the polls, but to place the city for one day under the rule of the United States marshal and his deputies, setting aside the mayor and the city police; hence their action was chiefly directed that day against the police.

Promptly the polls were opened at their several precincts and the rush began. At each polling place, besides the city police, were U. S. marshals and challengers for both parties. At the outside precincts there was little trouble, but at the polls at the Fifth Precinct—the City Hall—there was almost a continual row from the opening to the closing. The Liberals concentrated their forces at this point, and from the first they seemed bent on causing trouble of a violent character; for, indeed, to the populace, the presence of so many deputy marshals under the command of their chief, taking such an active and belligerent part could have no

other meaning, to those who desired it, than as a spur to conflict with a promise of armed aid from the U. S. authorities, as the glittering revolvers of the deputy marshals were repeatedly displayed during the day, and that too as against the city police. Every man in that crowd which surrounded the City Hall, knew that Marshal Maxwell and his deputies signified an armed force engaged in the action of that election, and being so that conflict was invited between the People's Party and the Liberal Party, other than that which was going on at the polls in the elector casting his citizen's vote. There could have been no other intent than such a conflict, or at least than a desire to make a strongly pronounced demonstration of the authority and power of a U. S. marshal and his force if he so pleased to call it into action. The voting power on the side of the People's Party who elected George Q. Cannon with over a 20,000 majority, as against Baskin's 3,300 votes polled for him throughout the Territory, renders it absurd to imagine that an armed force of U. S. marshals were needed to protect Mr. Baskin's interest and hold the city in awe for a day. Certain is it in any view of the case that many turbulent spirits interpreted the action of that election day, under the direction of the U. S. marshal and his deputies, to signify an intent of personal and vigorous conflict, not only between the two classes of citizens, but also between the marshals and the police. At times, around the City Hall, a general melee was imminent, and it was only owing to the prompt and sturdy action of the police that a mob fight did not occur.

The first arrest made was that of a Mr. Alhum, who was put in jail by policeman Philips for disturbing the peace, using profane language and assaulting an officer. Almost immediately Mr. Philips was taken into custody by a deputy marshal and marched before U. S. Commissioner Toohy. Captain Burt and policeman Andrew Smith soon afterwards were escorted to the same place, when they were held in bonds of $300 to appear before the commissioner on the following Wednesday and answer to the charge of interfering with the election. Next Deputy Marshal Orr interfered with officer Philips when in the performance of his duty of keeping the peace of the city, and the latter locked Orr in the city jail, where he remained, however, but a short time as a ready writ of *habeas corpus* from Chief Justice McKean released the deputy. Finally, after numerous trifling brushes in which no one was badly hurt, the mob became almost unmanageable. At this time Mayor Wells was standing in the door-way of the City Hall, when he was seized by some of the mob, and was struck and kicked in a shameful manner. In his struggle to release himself the Mayor's coat was torn to pieces, and it was only with difficulty that the mob was beaten back and the Mayor rescued. The rush at the polls was now so great that it became necessary to close the main entrance. In the meantime the Mayor appeared on the balcony, read the riot act and commanded the police to restore order, and drive the crowd back from the doors. The order was instantly obeyed, and in the beating back several men received some severe cuts about the head and face. After that there were no more fights of a serious character, though numerous assaults occurred till the closing of the polls at sunset. Immediately a deputy marshal, on a warrant issued by Commissioner Toohy, senior judge of the election, arrested Justice Clinton on a charge of ordering the arrest of Deputy Marshal Orr; and Captain

Burt and policemen Hampton, Philips, Ringwood, Crow and Livingston were also arrested on charges of arresting the said Orr in the performance of his duty. They were all marched before the commissioner at the U. S. marshal's office, and placed under bonds, ranging from $300 to $1,000 to appear on the following Wednesday for examination. Next morning the Mayor of the city was arrested and brought before Commissioner Toohy and bound over to appear on the following Thursday, his bonds being $1,000. The police were in the sequel discharged from custody, the commissioner holding that the policemen did their duty in taking Alhum into custody for violence and disturbing the peace. The Mayor was also relieved from his bond, for the cool judgment of the better class of the Liberal party appreciated that the Mayor and his officers had simply performed their duty, while the U. S. marshal and his deputies had exceeded theirs in presuming to attempt to take the control of the city out of the hands of its lawful guardians, instead of confining their duties to the maintenance of the citizens' rights at the polls, and the prevention of the casting of unlawful votes. Indeed, the difficulties of that election day grew not out of any interruption of voting the Liberal ticket, but in the action between the U. S. marshal and his deputies in arresting the police in their efforts to keep the peace of the city. It was at this juncture that the mob assaulted the mayor as he stood in the doorway of the passage of the City Hall, and assaulted him, too, simply because he was the mayor; and, when the mayor appeared on the balcony, voices from the same class in the mob cried, "Shoot him! shoot him!" with other like exclamations. But Mayor Wells had read the riot act; and all concerned were quickly taught that the Mayor and his force were the guardians of the city and its peace, notwithstanding a special act of Congress, made for the South in the reconstruction, gave to U. S. marshals a certain authority on election day at the polls to see that no citizen was hindered in freely casting his vote.

That neither the candidates, Baskin nor Marshal Maxwell, really expected any hindrance from the mayor or the police, or indeed from any one of the People's party managers is certain. At the election in February, in the city, three times as many votes were polled for Jennings as those for Baskin, and two-thirds as many as were cast for him in the entire Territory; yet was there no hindrance to the opposition, which the Liberal party by uniting with it had made quite formidable. The day, though spirited, abounded with humor and good feeling. Mormon lads approached Mayor Wells, as he came along the street towards the City Hall, and, with their traditional respect for the leader scarcely overpowered by the mischief of the time, offered him the opposition ticket, crying, "Vote for Jennings." But on this election day hostile hands fell upon the mayor. In fine, the sharp history of the election day of August, 1874, for delegate to Congress is that Salt Lake City for a day was put under U. S. marshals, so that the contestant Baskin might perchance be able to tell Congress the story of the resistance of Mormon authorities to U. S. officers while executing an act of Congress to protect and aid the citizen in the exercise of his suffrage; and all this, too, after blood had been shed and the nation shocked with the news of a "Danite slaughter." Such an opportunity was nearly won for the contestant, whether aimed for or not. Had those cries from his supporters been an-

swered with a pistol utterance—"Shoot him! shoot him!" when Mayor Wells appeared, and from the balcony of the City Hall read the riot act—answered in the manner of the rioters who fell upon the mayor at the door of the City Hall, beating him and tearing his his coat in shreads, the press dispatches that night would doubtless have told a story of horrors.

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## CHAPTER LXXI.

THE FALL OF JUDGE McKEAN. THE ANN ELIZA SUIT AGAINST BRIGHAM YOUNG. ALIMONY AND LAWYER'S FEES GRANTED PENDING THE DECISION. THE HEAD OF THE MORMON CHURCH SENT TO THE PENITENTIARY FOR CONTEMPT OF COURT. THE PUBLIC CENSURE COMPELS PRESIDENT GRANT TO REMOVE JUDGE McKEAN FROM OFFICE.

The 11th of March, 1875, was one of the marked days in the history of Salt Lake City, and a fated day to James B. McKean. The case of Ann Eliza Young vs. Brigham Young was resumed, on an order to show cause why defendant should not be punished for contempt in disobeying the order of February 25th, requiring him to pay $3,000 to plaintiff's counsel. The defendant, with his counsel, appeared in court to answer to a warrant of attachment. His counsel represented that the defendant was in ill-health; and asked the court that he might be permitted to withdraw from the room—either on his own recognizance or on a sufficient bond—during the argument on the order to show cause. The judge refused to grant the request and the hearing proceeded.

Mr. Williams, of the defendant's counsel, read the answer to the order to show cause, which answer set forth that the defendant, advised by his counsel "believes that he is by law entitled to an appeal from said order and decree;" that "an appeal has been taken and perfected from the said order and decree, to the supreme court of said Utah Territory;" that "this respondent disclaims all intention or disposition to disregard or treat contemptuously the said order and decree or any process of the said court;" "and prays to be hence discharged, and that further proceedings for the execution of said order and decree, for the payment of said fees and alimony, be stayed until the determination of said appeal in the said supreme court."

Long arguments ensued by Hempstead for the defendant, and Hagan and McBride for plaintiff. At the close the chief justice read the following order:

"This court having, on the 25th day of February last, made an order in this cause, ordering and adjudging that defendant herein should pay alimony and sustenance, the former within twenty and the latter within ten days thereafter, and the defendant having disobeyed the said order in this, that he has refused to pay the sustenance therein ordered to be paid; and the defendant having been brought

before the court by warrant of attachment in order to show cause, and having in writing and by counsel, shown such cause as he and they have chosen to present to the court; and the court holding and adjudging that the execution of the said order of the 25th day of February last, can be stayed only by the order of this or some other court of competent jurisdiction;

"It is, therefore, because of the facts and premises, ordered and adjudged, that the defendant is guilty of disobedience to the process of this court, and is therein guilty of contempt of court.

"And since this court has not one rule of action where conspicuous, and another where obscure, persons are concerned; and since it is a fundamental principle of the Republic that all men are equal before the law; and since this court desires to impress this great fact, this great law, upon the minds of all the people of this Territory; now, therefore, because of the said contempt of court, it is further ordered and adjudged that the said Brigham Young do pay a fine of twenty-five dollars, and that he be imprisoned for the term of one day.

"Done in open court, this 11th day of March, 1875.

"JAS. B. MCKEAN,

"*Chief Justice, etc., and Judge of the Third District Court.*"

McBride asked that the order be made so as to require the defendant to remain in jail till the counsel fees were paid. The court said he would let the future take care of itself.

President Young appeared in court at 10 o'clock A.M., and notwithstanding his ill health, there he sat till he was escorted out by Deputy U. S. Marshal Smith, at one o'clock. The great founder of Salt Lake City manifested not the slightest uneasiness or excitement during the proceedings, and when he was adjudged guilty of contempt of court, and sentenced to fine and imprisonment in the penitentiary, he was not disconcerted in the least. Probably he anticipated what was coming and was prepared for it. Indeed the native greatness of Brigham Young never appeared more striking than on these several occasions when he sat in the presence of Chief Justice McKean waiting for judgment. He was the "Lion of the Lord" still—but the lion in absolute repose. Sitting a prisoner in the court, he was, in the sight of his people, superior to the court; in the presence of the judge incomparably greater than the judge. McKean himself, in his way, was painfully conscious of this vast superiority of Brigham Young, and his overwhelming presence in lion-like repose in his court. This was illustrated in McKean's extraordinary opinion, in which he declared that a system was on trial in the person of Brigham Young; and his decision now bore a manifested consciousness that he was sending "the Mormon Moses" to the penitentiary, for contempt of his court. The paltry fine of $25.00 was as nothing to this judge who had refused half a million for the prisoner's bail; but that one day of Brigham Young in the penitentiary, for a cause which rested directly between himself and the prisoner—contempt—was to the judge as an epoch in his own life; and so, indeed, it was destined to be.

The court took a recess soon after the order had been pronounced. Mr. James Jack, President Young's chief clerk, paid to the plaintiff's attorneys the three thousand dollars. Deputy Smith took charge of the prisoner and escorted him to

the President's own carriage, which was in attendance, and drove him to his residence, where President Young ate his dinner, procured such clothing, bedding, etc., as he required for a night in jail, and in the midst of a severe snow storm was then taken to the penitentiary by Dr. Smith, the deputy marshal. Mayor Daniel H. Wells, Dr. S. B. Young and Mr. Rossiter accompanied them and remained at the warden's house.

Arrived at the penitentiary, President Young was locked in the only cell at the institution, with a dozen or more convicted criminals, and men awaiting trial for alleged crimes. However, he was held in that place only a short time, when he was furnished a room attached to the warden's quarters, where he spent the night. Many of the President's friends drove out to the penitentiary in the afternoon and a considerable number remained in the vicinity all night. President Young's prison quarters were comparatively comfortable, and he was treated by Dr. Smith with such courtesies as were consistent with the gentleman's official duties, and the circumstances of the case would permit.

On Friday, March 12th, 1875, at the expiration of "the day" the doors of the penitentiary were thrown open, and the founder of Salt Lake City walked out a free man. He was escorted to the city by a number of friends who went out to see him.

When the news of the incarceration of Brigham Young in the penitentiary spread throughout the city there was considerable excitement, but not the slighest demonstration of violent resistance to the judicial tyranny on the part of any one, none going farther than to express indignation at the course of Judge McKean in imprisoning a man of seventy-four years of age and in feeble health, for so slight an offense, when none was intended, as the defendant's counsel had shown. Outside of a certain clique, the act of sending Brigham Young to the penitentiary on an iniquitious suit, which he, the judge, had fostered, was denounced as an unparalleled outrage. The intelligent portion of the community—even those openly opposed to the religious system of which Brigham Young was the head—were unanimous in the verdict that though McKean may have been technically justified by the law, he was guilty of an unchristianlike and unfeeling act.

But James B. Mckean had at length provoked his own doom: and the thunderbolt came from the hand of the man who had appointed him, and who had upheld him so long. The following telegram called the "Halleujah," from the pent up hearts of a hundred and fifty thousand Utah people.

"*Washington 16.*—The President has nominated Isaac C. Parker of Missouri, chief justice of Utah, vice McKean; and Oliver A. Patten, of West Virginia, register of the land office at Salt Lake City. The nomination of ex-Congressman Parker, of Missouri, to be chief justice of Utah, involves the removal of Judge McKean, but does not indicate any change in the policy of the admintration regarding the question of polygamy. The removal and that of the present register of the land office in Salt Lake, are caused by what the President deems the fanatical and extreme conduct on the part of these officers as evidenced by their violent attacks on Governor Axtell and certain senators who recommended his appointment, and by several acts of McKean which are considered ill-advised, tyrannical and in excess of his powers as judge."

Here may be supplemented several clippings from the reviews of influential papers of America of the fated cause that brought Judge McKean himself to judgment. The New York *Post* said:

"After more than six months' deep study his Honor, Chief Justice McKean has given his decision in the case of 'Ann Eliza against Brigham Young,' for alimony *pendente lite* for divorce. It is embraced in two closely printed columns of a Salt Lake newspaper, which a correspondent, who sends us a copy of it, writes that he confesses his inability to comprehend. But therein the judge evinces his wisdom. If his opinion were written in the language of the Utes or Sioux he could not be so successful in disguising his reasoning, those aboriginal tongues not being adapted to the concealment of thought by verbiage. Only one thing is clear—that is, that the plaintiff is to have her law expenses paid and $500 monthly alimony *pendente lite*. Thus in order to deplete Brigham's bank account the judge repudiates his own principles and infringe upon the law against polygamy, which he has heretofore so strenuously maintained. By this law a man can have but one wife. Brigham Young fought his case 'on this line,' proving that he was married to Mary Ann Angell, his still living wife, on January 10, 1834. By the law of Congress made especially for Utah, and by the common law of the land, any other woman taken by him to his bed and board after his first legal marriage is not his wife. This is the very point that Judge McKean has heretofore considered it his special mission to establish.

"But now comes Mrs. Ann Eliza Webb, and on the 6th of April, 1868, (Brigham Young having previously taken to himself, unlawfully, seventeen other women) and according to the laws of the Mormon Church becomes his nineteenth wife, or, according to the laws of the United States, his eighteenth concubine. Married according to the rules of that church, she knew what they were. They expressly permit a woman to claim divorce at any time, *without alimony*. Connecting herself with Brigham in what Judge McKean has always rightly declared to be an illicit way, she renders herself, as well as Brigham, liable to criminal prosecution. By his decision the judge recedes from his own principles, and may fairly be hailed by the Mormon Church as a convert to the doctrine of polygamy."

Here is the way the San Francisco *Bulletin* goes after his Honor, and the alimony *pendente lite* opinion:

"The suit of Ann Eliza Young against Brigham Young for divorce, and the rulings in the case made by Judge McKean, will be likely to attract much attention; not only for the social aspects of the case, but on account of the legal questions raised.

"The petitioner set forth that Brigham Young was in receipt of an income of not less than $40,000 a month, or $480,000 a year, and asked that $1,000 a month might be assigned for her support. Subsequently, on a motion made by her counsel, the court ordered that Brigham Young should pay over about $3,000 to aid Ann Eliza in prosecuting her suit for divorce. Young hesitated to comply with this order, and the court inflicted a fine and ordered that he should be imprisoned twenty-four hours *after* Young had paid over the $3,000 to the clerk of

the court. Young disclaimed any intention of committing a contempt, but desired to raise the question of his liability before a higher court By this ruling Judge McKean assumes that Anna Eleza was actually married to Brigham Young, when all the facts show she was never legally married to him, and could not be, from the very nature of the case.

"Brigham Young was legally married to Mary Ann Angell, at Kirtland, Ohio, June 10th, 1834. This woman has never been divorced, is still alive, living at Salt Lake City, as the acknowledged wife of Brigham Young. There is no controversy about these facts. How, then, could Anna Eliza at any time since be the lawful wife of Brigham Young? When Judge McKean assumes that this woman is the wife of Young, makes an interlocutory decree granting her $3,000 to maintain a suit for divorce, when there never was a legal marriage, and commits Young for contempt because he hesitates long enough to raise the question of the legality of the order, he burns some strange fire on the altar of justice.

"Ann Eliza knew that she could not lawfully marry Brigham Young. She deserted her own husband for the purpose of cohabiting with Young, and at a subsequent date, we believe, procured a divorce from her former husband by the aid of the probate court of Utah. This woman lived with Young a year or more without any ground of complaint. The relation, according to her own admission, was a satisfactory one, and might have been to this day, had Young devoted himself exclusively to her. The former, in the pleadings, sets up the one legal marriage in Ohio, and that the relation between himself and petitioner was only that known to the church as a celestial or plural marriage, and one, of course, not known to the law outside of the peculiar ordinances of the Latter-day Church. If there was no legal marriage it follows that there can be no legal divorce, and there is not a court outside of Utah which would decree the validity of such a marriage.

We are not seeking to extricate Brigham Young from his difficulties. If he is caught in his own net he is not entitled to any sympathy. He has lived a long time in defiance of law—in fact has been a law unto himself, and has lived in defiance of the highest authority known to the nation.

But there is nothing in the case as presented by Ann Eliza calling either for relief or special sympathy. She consented to cohabit with Young unlawfully, and would have sustained that relation until this time if Young had not made more conquests and added others to his conjugal circle. It is a reproach to the country that Young was not long ago dealt with squarely on the ground that every polygamous marriage is a crime. But an oblique and cunning interpretation of law which assumes that to be a marriage which was no marriage, only a scandalous cohabitation, is not a straightforward way out of the difficulty. Instead of taking the bull by the horns, it is an attempt to grasp him by the tail.

There is another phase of the case which cannot escape notice. When Ann Eliza Young takes to the platform and recites her assumed wrongs in the ears of the public, it is competent for the public to inquire whether she makes out any case calling for special sympathy. The evils which she suffered were incident to the social economy which was good enough for her so long as she could supplant the lawful wife of Brigham Young. What were the evils which this wife suffered?

Ann Eliza, who now seeks to make merchandise of her illegal relations with Brigham Yonng, entered into that relation in mature years, and after she had been lawfully married to another man. As a social reformer she does not present any striking or salient features. Nor can her contribution to platform literature be very attractive to right minded people. If the three thousand dollars which Judge McKean has awarded as alimony *pendente lite* was in the nature of a fine legally inflicted upon Brigham Young instead of a blunder, the first step toward justice might have been taken in the case."

The Chicago *Times* thus treats the contempt judgment:

"Judge McKean, of the United States district court of Utah, yesterday had Brigham Young arraigned for contempt in neglecting to pay over the attorney's fees in the divorce suit of one of his concubines, Ann Eliza. Papers for an appeal from Judge McKean's decision had been filed by Brigham's lawyers, and bonds had been given for the payment of both the attorney's fees and the alimony allowed by the court, but notwithstanding this the Prophet was found guilty of contempt, fined twenty-five dollars, and sent to the penitentiary for twenty-four hours. The proceeding is a somewhat extraordinary one. It is customary, when an appeal has been taken and bonds filed for the faithful performance of the verdict of a court; to hold judgments in abeyance until the appeal is at least argued. This summary method of dealing with the Prophet looks very much like persecution, and will awaken sympathy for him instead of aiding the cause of justice."

Instead of the Hon. Isaac C. Parker, being appointed chief justice, it turned out to be the Hon. David P. Lowe, of Fort Scott, Kansas. The new chief justice was an honest, straightforward man, a good lawyer, and an upright judge, who would not lend himself to any system of fraud or injustice, and, in the case of Ann Eliza, he determined that the order for alimony should be expunged from the record. But this did not occur, however, until its victim had been imprisoned, and had paid over $4,000 for counsel fees, and two months' alimony.

Ex-Prosecuting Attorney Bates, summarizing the McKean period, says;

"The five years of judicial mal-administration of McKean in Utah may be summarized as follows:

"1st.—$100,000, of United States public money, belonging to the Department of Justice, have been squandered there.

"2d.—No Mormon has ever been convicted, during that period, of any offense against the laws of the Territory, or of the United States, except:

"3d.—The case of the United States *vs.* Geo. Reynolds, for polygamy, where the verdict of guilty was found by a jury, nine of whom were Mormon polygamists; and the witnesses who furnished all the evidence, including the plural wife herself, were all polygamists—which case is expected to go to the Supreme Court of the United States, where the validity of the Act of 1862 will be finally settled, as it would have been in 1872, had not the plan then agreed upon been frustrated by the Federal officials in Utah.

"4th.—These illegal prosecutions, including the false imprisonment of

Brigham Young and the leaders of the people, have cost them in counsel fees, loss of time, and injuries to their business, at least $500,000.

"5th.—The panic and alarm created thereby in the States of the Union, and the fear of a collision between the authorities and the Mormon people have driven or kept away millions of dollars of capital."

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## CHAPTER LXXIII.

THE PRESIDENTIAL VISIT TO SALT LAKE CITY. FEDERAL OFFICERS AND GENTILES CLAIM THE HONOR OF RECEIVING THE PRESIDENT; BUT THE CITY FATHERS CHARTER A SPECIAL TRAIN AND "PIONEER" THE PRESIDENTIAL TRAIN TO OUR CITY. MEETING BETWEEN U. S. GRANT AND BRIGHAM YOUNG. CHARACTER MARKS. LONG FAMILIAR CHAT ON THE WAY BETWEEN MRS. GRANT AND BRIGHAM. PUBLIC RECEPTION GIVEN TO THE CITIZEN. VISIT TO TEMPLE BLOCK. MRS. GRANT WEEPS FOR "THESE GOOD MORMON PEOPLE." THE DEPARTURE. GRANT TOUCHED BY THE TRIBUTE OF THE MORMON SUNDAY SCHOOLS TO HIM AS PRESIDENT. "I HAVE BEEN DECEIVED."

The visit of President Grant to Salt Lake City, in the early part of October, 1875, was an auspicious event, as it greatly corrected his views, and created quite a revulsion in his mind favorable to the Mormon people. Indeed, it would seem, from what is rehearsed of the expressions of the President and his wife relative to the Mormon people, that had this visit occurred in 1869, with the same party surroundings, in the place of the Colfax visit of that date, our local history of the last five years would have been markedly different from what it was.

The presidedtial party consisted of the President and Mrs. Grant, Col. Fred Grant and wife, General O. E. Babcock, ex-Secretary of the Navy Adolph E. Borie, wife and daughter, and Governor Thayer of Wyoming.

The Federal officers and non-Mormon citizens claimed the honor of receiving the President of the United States. A meeting was called at the Federal Court House, and a committee of ten, headed by Governor Emery, was appointed to meet the President and his party, and extend to them the hospitality of the Federal officers and Gentile citizens.

But the founders of Utah and the municipal council of Salt Lake City, without the least manifestation of displeasure at being thus characteristically set aside by the Federal dignities, moved in the matter of the reception of President Grant with the quietest emphasis possible of their sense that precedence belonged to them. They were the pioneers of these western States and Territories. They had led the way across the plains and sandy deserts before the tide of colonization, apart from that of their own, had fairly started towards the Pacific, and they were

actually the first band of colonists proper who planted the American flag in this dominion; and if distinction or precedence were to be made in receiving the first President of the United States who had visited the Pacific slope, to the fathers of Utah properly belonged the honor of escorting him to Salt Lake City.

The committee of ten, headed by the Governor, which had been appointed by the Federal Court House meeting, in pursuance of their programme, started for Ogden on the early train, and taking the Union Pacific east bound passenger train, met the presidential train at Peterson Station in Weber, and returned with it. Thus they had the advantage of the first meeting and it was thought by the Federal committee that their programme would prevail in all its points.

The Utah Central special train, chartered by the city council, left the station here at 9:30 Sunday morning, making the trip to Ogden in about an hour and a half, conveying the aldermanic committee and other members of the city council, city and county officers, and several invited guests, including President Brigham Young, Hon. John Taylor, Hon. B. Young, Jun., Hon. Jos. F. Smith, Judge Elias Smith, Hon. F. M. Lyman, H. B. Clawson, Esq., Col. F. Little, several ladies and representatives of the press. None of the Federal Territorial officials or military officers availed themselves of the special invitation of the council. The engine of the special train was decorated with flags and bunting.

About half an hour after the arrival of the Utah Central train the presidential train approached the station at Ogden. All of the railroad platforms were crowded with people straining their eyes to get a sight of the President. The Ogden brass band struck up "Hail to the Chief." The locomotive of the presidential train was profusely decorated with flags, streamers, etc. O. H. Earll, division superintendent of the Union Pacific, and A. H. Earll, the Ogden agent of the company, accompanied the presidential party to Ogden, doing the honors to the distinguished guests. The President was standing on the rear platform, swinging his hat to the people, with ex-Secretary Borie and General Babcock at his side. Now and then a boy would jump up and get hold of the President's hand, an event of which he may boast for years.

The presidential train immediately switched upon the Utah Central track, when it appeared to be assumed by some of the party, though not by the President or General Babcock, that the train would proceed by itself to this city in advance of the Utah Central train. This arrangement, however, was not made, and the presidential cars were attached in front of those of the Utah Central, and drawn by the latter's engine; the train started out of Ogden at a good speed, making the trip to this city in about an hour and a quarter.

While at Ogden, the President cordially received the representatives of our city council, who were presented to him, and said in reply to Hon. George Q. Cannon, who tendered him the hospitality of the city in behalf of the municipality, that he had accepted an invitation of the Governor of the Territory to be his guest; that he could only remain in Utah until Monday afternoon, and would be happy to avail himself of any courtesies at the hands of the city that he might have time to accept. He expressed his obligations for the attention paid him by the municipal authorities. Other Utah gentlemen were then introduced.

As the train was moving out of Ogden, President Young stepped from the

car of the Utah Central upon the platform where the President was standing, and was presented to President Grant by Mr. Cannon, both gentlemen uncovering. President Young said: President Grant, this is the first time I have ever seen a president of my country." President Grant nodded, and after a few enquiries and compliments, President Young was conducted to the interior of the car, and presented to Mrs. U. S. Grant, Mrs. Col. Fred Grant, Mrs. Borie and the other ladies and gentlemen of the party. Mrs. Grant entered into a familiar conversation with President Young, which was prolonged for about half an hour, when the latter took his leave of the ladies and of President Grant, saying a few words to the Presdent as he passed upon his return to the Utah Central train.

During the entire trip from Ogden to this city, President Grant occupied the platform of his car with Governor Emery and Delegate Cannon, the latter being kept engaged in conversation by the President in regard to the various points of interest in the Territory. The President asked a good many questions which showed a keen interest in the material resources of the country and the industries of various kinds. Indeed he appeared to be far more impressed with these things than he did with the people whom he met.

At the station in this city, the President and party were taken in charge by the Federal committee and conveyed in carriages to the Walker House. Many thousands of people had assembled at the depot, and from there to East Temple, on both sides of the street, were arranged the city Sabbath school children, with their teachers. The President and Mrs. Grant and Governor Emery rode up in an open barouche, behind four handsome greys. The President, as he passed along, waived his hat to the crowds, who saluted him without boisterous demonstration. During the afternoon the President remained at the hotel, where he received calls from many officials and leading citizens. A large crowd had also gathered in front of the Walker House, and to gratify their desire to see the President, Grant stepped out upon the balcony, and was introduced to the multitude by Gov. Emery, who stated that the President was suffering from a Rocky Mountain cold, was very hoarse, and it would therefore be difficult for him to respond to the calls for a speech.

Early Monday morning, the President, in an open buggy with Gov. Emery, was driven to the Temple block, when he went into the tabernacle, and looked at the foundation walls of the temple. He was next driven to the north bench, where he obtained a fine view of the city; and afterwards went to Camp Douglas. There he examined the new stone barracks and officers' quarters in course of erection, and was waited upon by the officers of the post. The other members of the Presidential party also visited the Temple block and Camp Douglas. It was at the special request of the President that no salute was fired at the military post in his honor; also that the band did not come out. He said his visit was strictly a social and sight-seeing one, and was not in the least of an official character. He desired, therefore, that there be as little ostentation and display as possible.

After spending a brief time in Camp Douglas, the Governor drove the President a short distance up Emigration canyon, and then returned to the city and his hotel, where a public reception was held, when several hundred citizens, ladies and gentlemen were presented to the President. Notably among the others who em-

braced this opportunity of calling upon the President was Judge McKean, who walked up with the crowd and in his turn shook the executive right hand. The reception continued until after 2 o'clock, when the public were excluded and the federal officials, in a body, were presented to the President. The Presidental party partook of an early dinner at the Walker House and then proceeded to the depot, where the special car in which Grant travels was found profusely decorated with flowers and green—the artistic work of a number of ladies of this city. On the way to the depot the President and company called at the residence of Hon. Wm. Jennings, where there were also a few prominent citizens.

As the train was moving off, the President, who stood upon the car platform, was heartily cheered by the crowd assembled at the depot, and he acknowledged the salute by waving his hat. He was escorted to Ogden by the city council committee of welcome, the court house committee, and several invited guests, prominent ladies and gentlemen of the city. After the train had left the depot, President Grant and party entered the car in which were the ladies and gentlemen of Salt Lake, and passed the time until the arrival at Ogden, in conversation. They seemed to have thrown off restraint, and resolved upon the enjoyment of a social visit. They talked freely, and upon taking their farewell, expressed themselves as having been highly pleased with the appearance of Salt Lake City, and delighted with their reception. The President and party stood upon the rear platform of their car when the train moved off eastward, and waved their handkerchiefs to the Salt Lake ladies and gentlemen, who returned to the city by special train. Governor Emery and his committee, who had all along ignored the municipal committee of welcome, accepted the invitation of the council committee to occupy seats in the special train, and all returned to the city together.

There were many incidents in this visit of a President of the United States to our city, that tended to give our citizens favor in the Nation's eyes. Two of these incidents will be sufficient to note.

When President Grant, on his entrance to our city, in his carriage, passed the multitude of Sunday School children who, under their teachers, had gathered, arrayed in white to welcome him—in their simplicity of manner, emphasising the greeting of Brigham Young, "this is the first time I have had the honor of meeting a President of my nation"—he turned to Governor Emery and enquired, "whose children are these?" He was answered by the Governor, "Mormon children." For several moments the President was silent, and then he murmured, in a tone of self-reproach, "*I have been deceived!*" It was in vain for any anti-Mormon, after that utterance, to tell him that those children had been arrayed to give him welcome, for the purpose of making a favorable impression on his mind in behalf of their Mormon parents. To a man of so strong a religious nature as that of U. S. Grant, which nature to the end of his days, contrary to the better judgment of the American people, gave Dr. Newman a controling influence over him, these Sunday School children, brought up in the fear of the Lord, were, on this Sabbath day of his entrance into our city, more powerful sermons than he had ever heard in the Metropolitan Methodist Church, from the charmed tongue of his favorite pastor. And even the depreciatory expounding of the anti-Mormon —that this array of Sunday School children was "all gotten up for effect"—

would have been entirely lost on a man of simple directness of mind, for Mormon parents, who could with so much natural sagacity conceive the plot of capturing the conqueror of southern rebeldom, by an army of their Sunday School children, were surely not wicked parents, nor unworthy of the regard of the representative "father of his country."

The other incident is of Mrs. Grant, on her visit to the Mormon Tabernacle in this city, escorted by Hon. W. H. Hooper and others. As she listened to the chaste yet sonorous music from the grand organ of the tabernacle, which for compass and quality has but few equals, and which on this occasion was played by a master organist, with tears in her eyes she exclaimed with deep feeling, her words addressed to the ex-Delegate of Utah, "Oh, I wish I could do something for these good Mormon people!"

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## CHAPTER LXXIV.

DEATH OF BRIGHAM YOUNG. THE CITY DRAPED FOR ITS FOUNDER. GRAND SOLEMN FUNERAL. SERVICES AT THE TABERNACLE. TRIBUTE OF THE CITY COUNCIL TO HIS MEMORY.

On Wednesday, August 29th, 1877, Brigham Young, the founder of Utah, and one of the greatest colonizers the world has seen in a thousand years, died at his residence in Salt Lake City. The life and career of this remarkable man, whose record compasses the whole history of the Mormon people, may be gathered from the entirety of this book, and the personal sketch of him in the supplement of biographi[illegible] Suffice in this chapter to give the record of his death and burial.

On Thursday evening, August 23rd, President Young was attacked with cholera morbus, which was very severe, and continued throughout the whole of the night and the following day until the afternoon. The pain was intense, and quickly prostrated the patient. On Friday afternoon, however, he was somewhat relieved, and was considered by his physician to be convalescing. This favorable condition continued until Saturday afternoon, when his symptoms suddenly became worse, and the disease assumed an alarming aspect. The pain in his bowels returned, his bowels began to be distended, and his sufferings were greatly aggravated. These symptoms yielded to the use of morphine; but on Sunday morning a condition of semi-stupor came on continuing throughout the day and night. On Monday there was little change, the patient remaining about in the same condition as on Sunday, until Tuesday when his coma deepened. Still he could be roused, and occasionally spoke to those about him. Suddenly on Tuesday morn-

ing, there was extreme difficulty in breathing, owing to the distension of the bowels. Artificial respiration was resorted to for about nine hours, with the result of enabling him to breathe without assistance. His condition from that time until his death admitted no doubt as to the result of the case. Death ended his work at 4 P. M. on Wednesday. The technical name of the fatal disease of which he died is *entero colitis*—commonly called inflammation of the bowels; which, of course, was brought on by cholera morbus. The deceased did not speak for hours previous to his death, although at times he appeared to be conscious, and would make an effort to articulate. He was surrounded by most of the members of his family and a few intimate friends.

During the three last days of his mortal life the people of Utah was in the most profound and anxious suspense. Telegrams fled frequently throughout the Territory informing the Saints of the condition of their leader, and prayer circles met in every settlement to invoke Divine power to stay the stroke, which when it fell, though it appalled the heart of the church for a moment, and baptized in tears the State which Brigham Young had founded, yet brought to the people relief from the terrible suspense under which they had stood as with suspended breath for three days. In the world beyond the angel of destiny tolled his bell: the spirit of Brigham Young, a son of destiny, winged its homeward way; and within the hour every city in Utah was draped in mourning.

The following account of the funeral is culled from the reports of the *Deseret News* and Salt Lake *Herald* of that date:

It was the original intention not to admit the public to view the body of President Brigham Young until Sunday morning, two hours before the commencement of the funeral services. The very general desire to see the deceased, and the certainty of there being present at the tabernacle on Sunday a tremendous crowd, has led to the making of a satisfactory change in the programme. The body will lie in state, in the new tabernacle, from this morning at nine o'clock until eleven o'clock on Sunday. It will be in the coffin, which will be enclosed in a metallic case, a glass being over the face. The public will be admitted to the tabernacle at any time between the hours indicated above.

OFFICIAL PROGRAMME AND INSTRUCTIONS:

"As soon as the probable number of seventies, high priests, elders, and the lesser priesthood is ascertained, places will be assigned them in the tabernacle, during the funeral ceremonies of President Brigham Young. These different quorums will hold meetings this evening for the purpose of learning in relation to this matter, and will also appoint committees to attend to the seating of their quorums, and to arrange for them to take part in the procession. It is desirable that each quorum should attend to its own organization for the procession so as save time, obviate confusion, and lessen the labor of the marshals.

"The procession will leave the tabernacle eight abreast, and walk through the south gate and up the north sidewalk of South Temple street to the Eagle Gate, thence up through President Young's grounds to his cemetery. A programme will be arranged for the procession, assigning to each body its proper place. The intention at present is for the general authorities to occupy the stand. For greater convenience, however, it will be well for the presidents of the high

priests, of the elders, and the lesser priesthoood, to sit with their respective quorums, so that they can take their places for the procession. The high council of this stake and the visiting presidents and counsellors of stakes from other places, and members of high councils of other stakes will have seats assigned to them on the platform south of the stands. The Tenth Ward brass band, the Glee Club, which will sing at the vault, and the city council will also be seated south of the stands on the platform.

"The platform on the north side of the stands will be occupied by the bishops and their counsellors of this stake, and visiting bishops and counsellors from other stakes. Seats will be reserved immediately in front of the stands on both sides of the centre aisle for the family and relatives of the honored deceased.

"It is desired that all who reside in the city and its vicinity who desire to view the remains of President Young will do so to-day, and once having seen the body will be satisfied with that view and not try to obtain another to the exclusion of persons who have not had an opportunity of seeing it at all. If this be strictly observed, the brethren and sisters who come from other settlements on Sunday morning, can have the privilege of getting a view of the body; and unless this be observed it would be difficult for them to get into the tabernacle for that purpose. We cannot impress this too much upon the residents of this city and its vicinity.

"Thousands will probably come by the morning trains, all of whom will be anxious to get a last look at the face of their beloved president, prophet and leader. Arrangements will be made for as many as possible to have this privilege, but in the short time remaining, only a limited number can possibly, with the best arrangements, pass by the coffin. Too much cannot be said upon the necessity of observing strict order. There will be a body of men detailed as special police for the occasion; and we hope that every man, woman and child in the community will conform to the arrangements that will be made, and not impose unpleasant duties upon those acting as special policemen. Let us show respect to the memory of our great leader by observing that order of which he himself was so deep an admirer and great example. Let no man, woman or child say or do a thing on the solemn occasion of his funeral, which if he were present in person would grieve or annoy him. Of necessity there will have to be strict arrangements to save confusion, as there will be doubtless an immense number of people present."

"The remains of the late President Brigham Young were removed from the Lion house Saturday morning shortly after 8 o'clock, and conveyed on a bier to the new tabernacle. Employees of the deceased carried the body, the apostles now in the city acting as pall bearers. A number of President Young's sons followed, besides bishops, seventies, elders, etc., forming a procession of between six and seven hundred people. The coffin containing the body was placed at the foot of the centre aisle of the tabernacle, directly in front of the stand, the head being to the west. The coffin is enclosed in an air-tight metallic burial case, a sheet of plate glass covering the face, admitting of a good view of the features. The inside of the coffin is trimmed and dressed plainly, but neatly, with white satin, quilted; and the drapery overspreading the case is white merino. A handsome floral cross, encircled by a wreath of flowers, is on the lid. The tabernacle

is profusely draped, the platform, stands, organ and pillars wearing heavy folds of crape. The features of the dead have undergone much change since his sickness, and indicate plainly the severity of his sufferings.

"It was 11 o'clock when the gates to the Temple block were opened and the public admitted to take a last look at the deceased. Probably three thousand people had assembled, and for a couple of hours the crowd was tremendous. However, the arrangements were so complete, that the rush being once over, there was no more crowding, people passing in and out without hurrying. A constant stream of men, women and children went in at one door, looked at the features of the dead, and passed out on the opposite side of the tabernacle, until quite late in the evening when there was a slight cessation, and those in attendance were enabled to rest. The body was kept in state all night, a guard surrounding it and the building, and it was not until near midnight that people ceased to visit it. An accurate account was kept of the number of those who saw the body, running up to within a few of eleven thousand people. The remains will lie where they are, and the public will be admitted until 11 o'clock to-day, and as all the trains entering the city last night were crowded with passengers—seven carloads arriving from the south and thirteen from the north—and as special trains will run over all the roads this morning to bring people from other places, it can be estimated that ten thousand more people will visit the tabernacle this morning. The greatest order and decorum were observed, and nothing occurred to mar the solemnity of the occasion. * * * *

"Sunday, September 2d, 1877, will not soon be effaced from the memories of the people of Utah; not only will it be remembered as the day when the mortal remains of Brigham Young were laid in the tomb, but on account of the great popular demonstration on the occasion. On Saturday night, long after the hour when the city is usually quiet and the inhabitants are hushed in sleep, people could be seen directing their steps towards the tabernacle to obtain a last look at the features of the dead leader. Early Sunday morning the rush began again, and soon it seemed as if the whole of the population was astir and gathering at the Temple block. Notwithstanding the multitude of people bent on the same purpose, the utmost order prevailed. The quiet and decorum observed in the tabernacle were remarked by all. People walked steadily down the aisle, gazed for a moment at the face of the dead and passed out, all seemingly deeply impressed with the solemnity of the occasion. It is gratifying to the family, friends and public generally, that nothing occurred to mar the proceedings, and it reflects credit upon the masters of the ceremonies and the community. This stream of people was not checked until 11.30 Sunday morning, more than 18,000 men, women and children having gazed upon the corpse within the twenty-four hours. After the public was restrained the family gathered around the coffin and looked for the last time upon the loved features. The apostles followed the family, when the metallic case was removed, exposing the coffin, which was then elevated on a catafalque, in full view of the entire audience. There was a noticeable absence of all drapery about the coffin; however, there was a plain black pall over the stand on which it rested. The tabernacle was deeply draped, all the pillars wearing heavy folds of crape, and the stands, platforms, organ and tables were in deep black.

The floral decorations in the tabernacle were grandly beautiful. Besides those of artificials, festooned from the ceiling and suspended from the gallery, the stands bore many vases of living flowers. The coffin was a plain casket of redwood, varnished, but devoid of ornament, save the massive silver handles. It was decked with wreaths and garlands of flowers, a beautiful and artistically arranged flower harp, being attached to the foot. The east portion of the auditorium and the galleries were thrown open to the public, and hours before the services commenced people began to occupy the seats, which at 11 o'clock were all full, and thousands were unable to gain admission. The family and relatives of President Young, numbering some hundreds, occupied seats directly in front of the platform and next the coffin. In their rear, and on the right and left, grouped together, were the seventies, high priests, elders, and others of the priesthood. The south side of the platform was occupied by the city council, band, Glee club, presidents of different stakes of the church and high councils. On the north platform were bishops and their counsellors. The upper stand, or that of the first presidency, was occupied by George Q. Cannon, master of ceremonies; Daniel H. Wells and John W. Young, counsellors to the deceased; and Brigham Young, Jr. The apostles, who were all present except Orson Pratt and Joseph F. Smith, now in England, the presidency of the Salt Lake stake, and presiding bishop were in their usual seats.

A close estimate of the people in the building places the number at thirteen thousand, while probably as many more were in the yard and around the gates.

The organist and orchestra had been in attendance since 9:30 A. M., and while the body was in state and the tabernacle was being filled, played the "Dead March in Saul," organ and orchestra; "Brigham Young's Funeral March," composed for the occasion by Jos. J. Daynes, organ; Wilson's Funeral March, organ; Mendessohn's Funeral March, organ and orchestra.

The services commenced at noon, precisely, George Q. Cannon announcing the hymn

Hark! from afar a funeral knell.

This was sung by the tabernacle choir, George Careless leader, and J. J. Daynes organist. The tune to which the hymn was sung was one composed by Prof. Careless on the occasion of the funeral of the late Geo. A. Smith, and is called "Rest."

Then followed the opening prayer by Apostle F. D. Richards.

The prayer was followed by singing

Thou dost not weep to weep alone.

After which his counselor and faithful friend, Daniel H. Wells, delivered a brief and feeling address. He said:

"I arise with an aching heart, but cannot let pass this opportunity of paying at least a tribute of respect to our departed friend and brother, who has just stepped behind the veil. I can only say, let the silent tear fall that it may give relief to the troubled heart; for we have lost our counselor, our friend, our president; a friend to God, a friend to His saints, a friend to the Church and a friend to humanity.

"I have no desire or wish to multiply words, feeling that it is rather a time to mourn. Good bye, Brother Brigham, until the morning of the resurrection day, when thy spirit and body shall be reunited, and thou shalt inherit immortality, eternal lives and everlasting glory, and thy life-long companions who will soon follow after, will meet thee in peace and joy."

He was followed by Apostles Wilford Woodruff, Erastus Snow, George Q. Cannon and John Taylor; Orson Hyde pronounced the benediction.

The readiness and absence of friction with which the procession was formed occasioned much comment. The congregation, with the exception of the family, apostles, bishops, and others, who were to march, withdrew from the tabernacle, the Dead March playing on the organ, and the choir singing. The procession then quietly formed—every one falling into his position—and while the band at the head with muffled instruments slowly played the Dead March, filed out of the south gate and up the sidewalk to the Eagle gate, moving eight abreast, and marching with uncovered heads. Following is the order of

THE PROCESSION.

Tenth Ward Band. Glee Club. Tabernacle Choir. Press Reporters. Salt Lake City Council. President Young's employees. President Joseph Young, Bishop Phineas H. Young, Bishop Lorenzo D. Young and Elder Edward Young (President Brigham Young's brothers.) THE BODY, borne by clerks and workmen of the Deceased, with nine of the Twelve Apostles as pall bearers.

Immediately following the body, the counselors of President Brigham Young. The family and relatives. Patriarch of the Church. First seven presidents of the seventies. Presidency and high council of Salt Lake Stake of Zion. Visiting presidents, their counselors and high councils of various stakes of Zion. Bishops and their counselors. High priests. Elders. Lesser priesthood. Seventies. The general public.

An immense crowd lined the sidewalk, and was kept back by ropes stretched along the line of shade trees to the Eagle gate, where the procession entered, and moving up the hill entered the private cemetery of the deceased.

The vault is in the southeast corner, where the family first, and then the public had an opportunity of seeing it before the coffin was lowered. A heavy redwood box was then let down, and into this the coffin was placed, the family assembling around the vault. The Glee club—male voices—sang the hymn commencing,

O, my Father, Thou that dwellest.

Apostle Wilford Woodruff offered the dedicatory prayer.

At a special meeting of the city council called by Mayor Little to take appropriate action, the Mayor formally announced the death of President Brigham Young, one of the members of the city council; whereupon Aldermen Sharp and Raleigh, and Councilors Reynolds, Calder and Winder were appointed a committee to draft and present resolutions; they reported the following:

"PREAMBLE AND RESOLUTION.

"*Whereas*, President Brigham Young, our most distinguished and illustrious

fellow-citizen, and a member of this council, in the providence of Almighty God, has departed this life; and

"*Whereas*, The death of so eminent and good a citizen, leader and member of our community, is a calamity so great that the mind seems inadequate to grasp, or language express, the extent of the loss that this lamentable event has brought so suddenly upon us; therefore,

"*Resolved*, That while we mingle our tears and condole with each other in this sad bereavement, we tender this token of respect and love to the one we mourn, and express our deep sympathy with his family and friends in the overwhelming affliction which has befallen us all."

The report was accepted and adopted, and the preamble and resolutions were ordered to be spread upon the minutes of the council.

It was also, on motion, ordered that they be published in the Salt Lake Daily *Herald* and *Deseret News;* also that a copy be engrossed and presented to the family of the deceased.

It was further resolved, as an additional token of love and respect for the deceased, that the members of the council attend the funeral in a body.

And at a meeting of the directors of the Deseret National Bank, President Wm. H. Hooper in the chair, the following was unanimously adopted:

"We, the officers of the Deseret National bank, realizing the loss sustained by the corporation and the community at large, in the death of our beloved associate and friend, President Brigham Young, who departed this life on the 29th day of August, 1877, in the 77th year of his age, hereby desire to express our deep sense of the great worth and superlative qualities of the revered deceased. Therefore,

"*Resolved*, That in President Brigham Young we recognize a wise counselor, a financial genius and a master mind.

"That during the many years he has been a director of this institution, part of which he was its president, having been associated with us from its inception, he has invariably exhibited such qualities of head and heart as have secured the respect, esteem and affection of all its officers.

"That in his death we are deprived of a most valuable director and adviser whose absence will be sadly missed from our official deliberations.

"That we deeply sympathize with his bereaved family, and condole with the whole community who mourn the departure of a mighty leader and one of the great spirits of our age and race.

"That we bow in submission to the decrees of Providence, while we lament the sad event which has deprived us of so valuable a co-laborer.

"That these resolutions be spread upon the minutes of the board, and that copies be furnished to the family of the deceased, and to the Salt Lake *Herald* and *Deseret News* for publica ion.

"By order of the board of directors.

W. H. HOOPER, *President.*"

It was thought by the outsiders that the death of Brigham would convulse, perhaps destroy the Mormon Church; and that there would arise several rival con-

John Taylor.

testants from the family of President Young and the Twelve Apostles to fiercely strive for the succession to the presidency of the Church. Such had been the speculations during the last seven years of Brigham's life, and columns of what seemed monstrous nonsense to the Mormons had from time to time appeared in the great journals of the country, relative to this succession and the probable dissolution of the Mormon Church on the demise of the man who by his marvelous exodus had become famous in the age as the "Mormon Moses." But to the astonishment of the "unbeliever," the death of Brigham Young produced no visible shock either in the Church or the affairs of our Territory; the Twelve Apostles for awhile stood as the presidency; and, in due time, Apostle John Taylor, was chosen by the Church as president, as Brigham Young had been before him.*

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## CHAPTER LXXV.

RETURN TO THE EARLY HISTORY OF THE CITY. EVOLUTION OF THE MORMON COLONIZATION PLAN. THE PATRIARCHAL ORDER. EXPOSITION OF THE FORMATION OF SOCIETY IN SALT LAKE CITY.

The general history having been brought down almost to the present date, we return to review numerous lines in the development of society in these Rocky Mountains. In the early chapters, a series of pictures from the pens of travelers to California, and also from Captain Stansbury and Lieut. Gunnison, gave the reader glimpses of the work of these Mormon society builders in its first stages. Since that date the rush of the general history has swept beyond a local scope and interest into the magnitude and importance of a national social "problem," and one, too, which, in the later periods, has assumed so much of a political character that the non-Mormons openly confess that polygamy is the minor part of it.

But, to future generations, the peculiar society work of the Mormons, wrought in the Pacific States, will be of chief and lasting interest in American history, so far as the Mormons and the founding of these States will be concerned; and, therefore, a regular sociological series of expositions are needed at this central point, covering the thirty-eight years of Utah's social formation.

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Taking up the connecting social links, it may be repeated that not only Salt Lake City, but all the cities of Utah grew up under the most perfect system of colonization that the world has seen in latter times. Indeed the early travelers to California invariably spoke of it as a system of religious communism, which Brigham Young and his apostolic compeers were attempting to establish upon the

*For further note see biography of President Taylor in the Supplement.

Old and New Testament plans, in the virgin valleys of the Rocky Mountains, where a new social experiment seemed eminently proper, viewed from a strict sociological standpoint.

The pioneers, as the leaders of a colony, or rather of a family of colonies, having located "the City of the Great Salt Lake," as we have seen, returned to Winter Quarters to bring up the body of the Church which had been driven from Nauvoo, while the British Mission of the Mormon Church was waiting to pour its tide of emigration into America, to populate the State which the leaders were founding. Meantime, the companies which followed close on the track of the pioneers, the same season, built the "Old Fort," located in the Sixth Ward of the city, and they survived the scarcity and hardships of the first winter. In September, 1848, Presidents Young, Kimball and Richards arrived in the Valley of the Great Salt Lake, with three large companies of the Saints from Winter Quarters. The parent colony numbered now nearly 6,000 souls. So much is repeated to take up the thread of those vast emigrations, of a later period, which have brought to America nearly a hundred thousand souls, in ships specially chartered by the Mormon Church, and given to these valleys, since 1847, in parents and offspring, not less than a quarter of a million of population. The majority of the parents and thousands of their children have passed away in the course of nature, but tens of thousands of their children, most of them American born, survive.

Next we take up a link of the plan and growth of Salt Lake City.

The genius of the social plan of the Rocky Mountain Zion was touched by Brigham Young on Sunday, July 25th, the next day after his arrival in the valley. Though feeble with the mountain fever, and scarcely able to stand upon his feet, the great colonizer arose and "told the brethren," says the historian Woodruff, "that they must not work on Sunday; that they would lose five times as much as they would gain by it. None were to hunt or fish on that day, and there should not any man dwell among us who would not observe these rules. They might go and dwell where they pleased, but should not dwell with us. He also said, *no man should buy any land who came here; that he had none to sell; but every man should have his land measured out to him for city and farming purposes. He might till it as he pleased, but he must be industrious and take care of it.*"

There is a new social system nascent in this diary note which needs, to the outside reader, and even to "the children of the fathers," an expounding from Mormon theory and phases of actual Mormon history of the date of the exodus and the founding of this city.

The note signifies that President Young, and his pioneer compeers, at that time, contemplated the building up of a Zion in these Rocky Mountains on the "perfect plan," or the "order of Enoch," laid down by Joseph Smith. Hence he said, "No man should buy land who came here; that he had none to sell," etc.

It was the design of the Prophet Joseph Smith, at the very opening of the "Latter-day dispensation," to construct for his followers a new social system, as well as to reveal a "new" spiritual religion, or rather to restore the "Everlasting Gospel," as taught to the ancients in the patriarchal ages of the world, and by Jesus at the opening of the Christian dispensation. Blending thus the genius and institutions of the Old and New Testaments—or as classified in modern theology,

the patriarchal and gospel dispensations, the Mormon Church grew up as the spiritual and temporal halves of a divine plan and government. Hence a "gathering dispensation" became, both to the Prophet and his disciples, as the signature of their "new covenant," and a gathering place was the very base of their millennial work; for such to them it was in the highest and broadest sense.; or, in the common language of modern sociology, there were needed a Mormon Zion and a constant flow up of Mormon emigrations; in fine, a well sustained system of Mormon colonization to evolve and consummate the Prophet's plan. In keeping with this peculiar plan of social architecture in a modern age, the Prophet, immediately after the organization of his church, removed from the State of New York to Ohio, which was then a virgin State, and at Kirtland, Ohio, he established Zion, to which the disciples "gathered," and there they built the first temple of the dispensation.

The evolution of these new and marvelous society plans of the Mormon Prophet was through the temporal institutions and government of the Church: and, it is important in the historical digest of that evolution, to know that the bishopric was appointed and in control of the temporal organization several years (four) previous to the organization of the quorum of the Twelve Apostles. And so it will be seen, as the exposition advances, that in Ohio, in Missouri, in Illinois and Winter Quarters, as in Salt Lake City and Utah generally, religious colonization and society founding have been as the alpha and omega of the Mormon work; and that upon the social plans laid down by Joseph Smith in Kirtland, Salt Lake City grew up. It is because of these cardinal social relations with the history of our Territory that the exposition is carried back to the Mormon Zion of fifty-five years ago

In the latter part of January, 1831, Joseph Smith, his wife Emma, Sidney Rigdon and Edward Partridge started from New York State for Kirtland, Ohio, where they arrived on the first of February; and the Prophet and his wife lived for a while at the house of N. K. Whitney, a merchant of the place and afterwards presiding bishop of the Church. The disciples at that place numbered one hundred members; and to the mind of the Prophet these, with the Saints in New York State, were germs enough to plant in the social soil of a kingdom of God.

It now became necessary to effect the temporal organization of the Saints. The "gathering" of a Latter-day Israel had commenced. The Saints were fast becoming a people.

The great organizing genius of Joseph (subsequently so wonderfully manifested in Brigham) was called into action, and the bishopric which has since grown into such magnitude—controlling both the social and ecclesiastical organizations of the people—sprang, as in a moment, into vigorous life. Its organization commenced with a revelation, as seen from the following passage:

* * * "And again, I have called my servant Edward Partridge, and given a commandment, that he should be appointed by the voice of the Church, and ordained a bishop unto the Church, to leave his merchandise and to spend all his time in the labors of the Church; to see to all things as it shall be appointed unto him, in my laws in the day that I shall give them. And this be-

cause his heart is pure before me, for he is like unto Nathaniel of old, in whom there is no guile."

The Mormons from the State of New York—the birthplace of the Church—now began to come in and Bishop Partridge was directed how to settle the people and organize their temporal affairs; and so rapidly did the Mormons increase that they soon began to colonize certain portions of the State of Missouri, and Jackson County was named "Zion." This latter expansion of the system of Mormon colonization called forth another revelation directed to the bishopric, which gives the key to the first sermon of Brigham Young delivered in the valley of the Great Salt Lake, on the Sunday morning after the arrival of the pioneers. From it we excerpt the following passages, touching the settling of the Saints, the laying out of Zion, the dedication of the temple spot, and the publishing of the gospel to the ends of the earth:

* * * * And let there be an agent appointed by the voice of the church, unto the church in Ohio, to receive moneys to purchase lands in Zion.

"And I give unto my servant, Sidney Rigdon, a commandment that he shall write a description of the land of Zion, and a statement of the will of God, as it shall be made known by the Spirit unto him; and an epistle and subscription, to be presented unto all the churches to obtain moneys, to be put into the hands of the bishop to purchase lands for an inheritance for the children of God, of himself or the agent, as seemeth him good or as he shall direct. For, behold, verily I say unto you, the Lord willeth that the disciples, and the children of men should open their hearts, even to purchase this whole region of country, as soon as time will permit. Behold, here is wisdom. Let them do this lest they receive none inheritance, save it be by the shedding of blood.

"And again, inasmuch as there is land obtained, let there be workmen sent forth of all kinds unto this land, to labor for the Saints of God. Let all these things be done in order; and let the privileges of the lands be made known from time to time, by the bishop or the agent of the church; and let the work of the gathering be not in haste, nor by flight, but let it be done as it shall be counselled by the elders of the church at the conferences, according to the knowledge which they receive from time to time.

"And let my servant Sidney Rigdon consecrate and dedicate this land, and the spot of the temple unto the Lord. And let a conference meeting be called, and after that let my servants Sidney Rigdon and Joseph Smith, Jun., return, and also Oliver Cowdery with them, to accomplish the residue of the work which I have appointed unto them in their own land, and the residue as shall be ruled by the conferences. * * * * * *

Let the residue of the elders of this church, who are coming to this land, some of whom are exceedingly blessed even above measure, also hold a conference upon this land. * * * And let them also return, preaching the gospel by the way, bearing record of the things which are revealed unto them; for verily the sound must go forth from this place unto all the world. * *

In the above revelation of the Prophet Joseph's social plan of the Zion, which he sought to establish in Ohio and Missouri, even before Brigham Young came into

the Church, we have the social prototype of his great successor's plan of the Zion of the Rocky Mountains, as laid down to the pioneers on their first Sabbath in the valley where the "city of the Great Salt Lake" grew up, for the first five years almost perfectly, on that model of social formation. During that period "the law of inheritance" was written on the family tablet of every household, in the Zion which Brigham and his apostolic compeers and the bishops sought to establish in these valleys, as Joseph had before them in Kirtland and Jackson County. In the original plan, it was not designed that any man should "buy land" in these valleys. The pioneers "had none to sell;" "but every man should have his land measured out to him for city and farming purposes. He might till it as he pleased, but he must be industrious and take care of it." These builders of society were colonists; and these words the utterances of the master builder, ere this vast territory belonged to the domains of the United States. According to the primal law of colonization, recognized in all ages, it was *their land*, if they could hold and possess. They could have done this so far as the Mexican government was concerned, which government, probably never would even have made the first step to overthrow the superstructure of these Mormon society builders. At that date, before this territory was ceded to the United States, Brigham Young, as the master builder of the colonies which were soon to spread throughout these valleys, could with absolute propriety give the above utterances on "the land question." In the early days of the Church, they applied to land not only owned by the United States, but within the boundaries of States of the Union: the Prophet, laying down the plan, (by revelation or otherwise as each different sociologist pleases to consider) said, let "an epistle and subscription" "be presented unto all the churches to obtain moneys, to be put into the hands of the bishop to *purchase lands* for an *inheritance* for the children of God; * * * even to *purchase the whole region of country*, as soon as time will permit. * * * Behold here it is wisdom. Let them do this lest they receive none *inheritance*, save it be by the shedding of blood."

The latter clause of the quotation signifies that the Mormon Prophet foresaw that, unless his disciples purchased "this *whole region of country*" of the unpopulated "Far west" of that period, the "land question" held between them and anti-Mormons would lead to the shedding of blood, and that they would be in jeopardy of *losing* their "inheritance." And this indeed was realized, notwithstanding the Mormons did purchase "this whole region of country." It was consummated by mobs, greedy for the "inheritances of the Saints," and by the exterminating order of Governor Boggs. Similar views and fears were entertained by the Mormon colonists of Utah, who not only obtained possession of the land by the primal claim of colonization; but they or their followers, afterwards purchased from the United States, the bulk of the land upon which they had founded their cities and made their farms. And subsequent events and changes have rather strengthened than weakened the idea in the minds of the original colonists of Utah, that it is the "*inheritances*" of the Mormons—the possession and control of Utah that the Gentiles want, and that the crusades against polygamy and upon other Mormon questions are merely means to the end.

There is another portion of the early history of the Mormon community

closely allied with the original plan of the building up of a Zion and the securing of temporal "inheritances for the Saints," which is also closely related to the peopling of Utah at the onset, and still afterwards in the vast emigrations of the Mormons from Europe by the operations of the Perpetual Emigration Company, which company itself shows the genius and plan of the foregoing revelation.

In the month of January, 1849, Brigham Young inaugurated a movement which sheds enduring lustre on his name, and, indeed, upon the Twelve. It was no less an undertaking than to remove all of the poor Saints out of the State.

When he broached the subject to the presiding bishop he was met with the discouraging answer, "The poor may take care of themselves, and I will take care of myself." But the prompt reply was ready and emphatic: "If you will not help them out, I will." Whereupon, at a meeting of the brethren, held January 29th, 1839, as the record shows, "On motion of President Brigham Young, it was resolved that we this day enter into a covenant to stand by and assist each other to the utmost of our abilities in removing from this State, and that we will never desert the poor who are worthy, till they shall be out of the reach of the exterminating order of General Clark, acting for and in the name of the State."

The covenant then made was as follows:

"We, whose names are hereunder written, do each for ourselves individually covenant to stand by and assist each other, to the utmost of our abilities, in removing from this State in compliance with the authority of the State; and we do hereby acknowledge ourselves firmly bound to the extent of all our available property, to be disposed of by a committee who shall be appointed for that purpose, for providing means for the removing of the poor and destitute who shall be considered worthy, from this country, till there shall not be one left who desires to remove from the State: with this proviso, that no individual shall be deprived of the right of the disposal of his own property for the above purpose, or of having the control of it, or so much of it as shall be necessary for the removing of his own family, and to be entitled to the overplus after the work is effected; and furthermore, said committee shall give receipts for all property, and an account of the expenditure of the same."*

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*This covenant was signed by the following names:

John Smith, James McMillan, William Huntington, Chandler Holbrook, Charles Bird, Alexander Wright, Alanson Ripley, William Taylor, Theodore Turley, John Taylor, Daniel Shearer, Reuben P. Hartwell, Shadrach Roundy, John Lowry, Jonathan H. Hale, Welcome Chapman, Elias Smith, Solomon Hancock, Brigham Young, Arza Adams, James Burnham, Henry Jacobs, Leicester Gaylor, James Carroll, Samuel Williams, David Lyons, John Miller, John Taylor, Aaron M. York, Don Carlos Smith, Geo. A. Smith, Wm. J. Stewart, Daniel H. Howe, Isaac B. Chapman, James Braden, Roswell Stephens Jonathan Beckelshimer, Reuben Headlock, David Jones, David Holman, Wm. Fawcet, Joel Goddard, Charles N. Baldwin, Phineas R. Bird, Jesse N. Reed, Duncan McArthur, Benjamin Johnson, Allen Talley, Jonathan Hampton, James Hampton, Anson Call, Sherman A. Gilbert, Peter Dopp, James S. Holman, Samuel Rolph, Andrew Lytle, Abel Lamb, Aaron Johnson, Daniel McArthur, Heber C. Kimball, Wm. Gregory, George W. Harris, Zenas Curtis, George W. Davidson, John Reed, Harvey Strong, William R. Orton, Elizabeth Mackley, Samuel D. Tyler, Sarah Mackley, John H. Goff, Andrew More, Thomas Butterfield, Harvey Downey, Dwight Hardin, John Maba, Norville N. Head, Lucy Wheeler, Steven V. Foote, John Terpin, Jacob G. Bigler, William Earl, Eli Bagley, Zenas H. Gurley, Wm. Milam Joseph Cooledge, Lorenzo Clark, Anthony Head, Wm. Allred, S. A. P. Kelsey, Wm. Van Ansdell, Moses Evord, Nathan K. Knight, Ophelia Harris, Zuba McDonald, John Thorp, Andrew Rose, Mary Goff, John S. Martin, Harvey J. More, Albert Sloan, Francis Chase, John D. Lee, Stephen Markham, Eliphas Marsh, John Outhouse, Joseph Wright, William F. Leavens, John Badger, Daniel Tyler, Levi Richards, Noah Rogers, Erastus Bingham, Stephen N. St. John, Elisha Everett, Francis Lee, John Lytle, Eli Lee, Levi Jackman, Benjamin Covey, Thomas Guyman, Micheal Borkdull, Nahum Curtis,

The foregoing covenant is given to preserve in the history of this city, and of Utah, the original of the covenant and organic plans by which the Mormon community was not only removed from Illinois to the Rocky Mountains, but also by which a hundred thousand Mormons have been emigrated to America from the old countries, partly by their own means and greatly by the operations of the Perpetual Emigration Company of the Church. And this covenant, moreover, is pertinent here, as it was the work of Brigham Young in removing the Saints from Missouri while Joseph was incarcerated in Liberty jail, just as it was principally his work in removing the community from Illinois and elsewhere, to colonize the valleys of the Rocky Mountains after the martyrdom of the Prophet.

In Illinois the Mormons again attempted their society work as a religious community, with similar results, and then they resolved to remove to the Rocky Mountains, where they hoped to build up their Zion upon the plan which the Prophet gave them, and which Brigham Young, as his successor, sought to fulfill. Having traveled as far as Winter Quarters in 1846, the community rested and established temporary stakes of Zion, at Garden Grove, Mount Pisgah and old Council Bluffs, and during the winter and the opening spring they more perfectly unfolded their religio-social methods and organization, upon which they designed to build up Zion in the valleys of the Rocky Mountains.

It was during the sojourn of the community at Winter Quarters that they evolved a part of their system, the plan and genius of which, though understood from the revelations and teachings of their Prophet, had never till then found an opportunity for social embodiment. Up to this time it was but as seed sown, with which their social soil was pregnant waiting for the birth. This was the "Patriarchal Order:" and it was just at this stage of the evolution that "plurality of wives" came in, originally named "Patriarchal Marriage"—synonymous with "Celestial Marriage." The patriarchal order is historically worthy of a sufficient exposition, and this more so, seeing that Mormon patriarchal marriage is the national question of the present moment as applied to the Federal rule in Utah.

It is a remarkable fact, then, of Mormon history, that while the community sojourned "in the wilderness"—at Winter Quarters—the Twelve Apostles, who are the types of the Twelve Patriarchs of the house of Israel, began to organize the people into grand branch families, symbolical of the twelve tribes of Israel, and patriarchal marriage among the community was openly declared. They were going to the unpeopled valleys of the Rocky Mountains and plural marriage, or polygamy, was at once a social and religious method of peopling those valleys and applying the Abrahamic covenant—"In thee and thy seed," etc. At that time it

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Miles Randall, Lyman Curtis, Horace Evans, Philip Ballard, David Dort, William Gould, Levi Hancock, Reuben Middleton, Edwin Whiting, Wm. Harper, Wm. Barton, Seba Jons, Elisha Smith, Chas Butler, James Gallaher, Richard Walton, Robert Jackson, Isaac Kerron, Lemuel Merrick, Joseph Rose, James Dun, David Foote, Orrin Hartshorn, L. S. Nickerson, Nathan Hawke, Moses Daley, Pierce Hawley, David Sessions, Thos. F. Fisher, P. G. Sessions, James Leithead, Alfred P. Childs, Alfred Lee, James Daley, Stephen Jones, Noah T. Guymn, Eleazer Harris, David Winters, Elijah B. Gaylord, John Pack Thomas Grover, Sylvenus Hicks, Alex. Badlam, Horatio N. Kent, Phebe Kellogg, Joseph W. Pierce, Albert Miner, Thomas Gates, Wm. Woodland, Squire Bozarth, Martin C. Allred, Nathan Lewis, Jedediah Owen, Philander Avery, Orrin P. Rockwell, Benjamin F. Bird, Chas. Squire, Truman Brace, Jacob Curtis, Sarah Wixom, Rachel Medfo, Lewis Zobriski, Lyman Stephens, Henry Zobriski, Roswell Evans, Morris Harris, Leonard Clark, Absolom Tidwell, Nehemiah Harmon, Alvin Winegar, Daniel Cathcart, Samuel Winegar, Gershom Stokes, John E. Page, Rachel Page, Levi Gifford, Barnet Cole, Edmund Durfee, Wm. Thompson, Josiah Butterfield, Nathan Cheeney, John Killian, James Sherry, John Patten David Frampton, John Wilkins, Eliz. Pettegrew, Abram Allen, Chas. Tompson, William Felshaw.

was very likely that their society would grow for fifty years, in their own methods and forms, ere the American people would come up to invade their Zion. Be that, however, as it may, the Mormon Moses of Utah, as soon as he had "delivered the community from their enemies," and sat down with them at Winter Quarters to wait the opening spring, began to perfect the social organizations of the people and to bring them into the patriarchal relations as the proper basis of their society work. Numerous families were also adopted by Brigham as his tribal sons and daughters, to so speak; and Heber C. Kimball, Wilford Woodruff, Willard Richards, George A. Smith and others did the same. This will explain certain things which were done by the pioneers, in relation to the "land question," when they took possession of these valleys, and also many other affairs and features noticeable in the community, especially during the first ten years after the entrance of the pioneers, in 1847. This exposition of the original plan and genius of a Zion, as laid down by Joseph the Prophet, leads up to the revelation concerning the removal of the community to these valleys, and the laws of the formation of society under Brigham's leadership. It is the last contained in the Doctrine and Covenants, (late edition) and is entitled:

"*The Word and Will of the Lord, given through President Brigham Young, at the Winter Quarters of the Camp of Israel, Omaha Nation, West Bank of Missouri River, near Council Bluffs, January 14th, 1847.*

"The word and will of the Lord concerning the Camp of Israel in their journeyings to the west. Let all the people of the Church of Jesus Christ of Latter-day Saints, and those who journey with them, be organized into companies, with a covenant and promise to keep all the commandments and statutes of the Lord our God. Let the companies be organized with captains of hundreds, captains of fifties, and captains of tens, with a president and his two counselors at their head, under the direction of the Twelve Apostles; and this shall be our covenant, that we will walk in all the ordinances of the Lord. Let each company provide themselves with all the teams, wagons, provisions, clothing, and other necessaries for the journey that they can. When the companies are organized, let them go to with their might, to prepare for those who are to tarry. Let each company with their captains and presidents decide how many can go next spring; then choose out a sufficient number of able-bodied and expert men, to take teams, seeds, and farming utensils, to go as pioneers to prepare for putting in spring crops. Let each company bear an equal proportion, according to the dividend of their property, in taking the poor, the widows, the fatherless, and the families of those who have gone into the army, that the cries of the widow and the fatherless come not up into the ears of the Lord against this people. Let each company prepare houses and fields for raising grain, for those who are to remain behind this season, and this is the will of the Lord concerning his people. Let every man use all his influence and property to remove this people to the place where the Lord shall locate a stake of Zion; and if ye do this with a pure heart, in all faithfulness, ye shall be blessed; you shall be blessed in your flocks, and in your herds, and in your fields, and in your houses, and in your families. Let my servants Ezra T. Benson and Erastus Snow organize a company; And let my servants Orson Pratt and Wilford Woodruff organize a company. Also, let my servants

Amasa Lyman and George A. Smith, organize a company; and appoint presidents, and captains of hundreds, and of fifties, and of tens; and let my servants that have been appointed, go and teach this my will to the Saints, that they may be ready to go to a land of peace. Go thy way and do as I have told you, and fear not thine enemies; for they shall not have power to stop my work. Zion shall be redeemed in mine own due time. And if any man shall seek to build up himself and seeketh not my counsel, he shall have no power, and his folly shall be made manifest. Seek ye and keep all your pledges one with another, and covet not that which is thy brother's Keep yourselves from evil to take the name of the Lord in vain, for I am the Lord your God, even the God of your fathers, the God of Abraham, and of Isaac, and of Jacob. I am he who led the children of Israel out of the land of Egypt, and my arm is stretched out in the last days to save my people Israel. Cease to contend one with another, cease to speak evil one of another. Cease drunkenness, and let your words tend to edifying one another. If thou borrowest of thy neighbor, thou shalt return that which thou hast borrowed; and if thou canst not repay, then go straight way and tell thy neighbor, lest he condemn thee. If thou shalt find that which thy neighbor has lost, thou shalt make diligent search till thou shalt deliver it to him again. Thou shalt be diligent in preserving what thou hast, that thou mayest be a wise steward; for it is the free gift of the Lord thy God, and thou art his steward. If thou art merry, praise the Lord with singing, with music, with dancing, and with a prayer of praise and thanksgiving. If thou art sorrowful, call on the Lord thy God with supplication, that your souls may be joyful." * * * *

It was upon this practical plan, now fairly developed during the sojourn of our modern Israel "in the wilderness," and upon the foregoing revelation, that the community was removed from Winter Quarters to the Rocky Mountains; and indeed also thereon all the emigrations were conducted, both from the States and Europe in crossing "the plains" down to the day of the completion of the Union Pacific Railroad. Thus, in the peopling of these valleys, the regular Mormon system has prevailed, and that, too, long after society in Utah had become mixed—as Mormon and Gentile—and after the Federal part of the government of the Territory had passed entirely out of the hands of its founders. One of the most striking features of the Mormon emigrations, which has so often attracted the attention of the world, was the family, or patriarchal character of the Mormon companies, which yearly crossed the Plains from 1847 to 1868-9. Indeed, while on ship-board and on the way to the valleys, they have been strictly as an organization of families, belonging to a peculiar community, and when not that they are historically as nothing in this Mormon system of colonization. Not only did the pioneers travel under their captains of hundreds, of fifties and tens; but so also did the other companies that followed quickly in their footsteps the same season, and afterwards in 1848, when Brigham Young, Heber C. Kimball, and Willard Richards gathered the body of the community to the mountains, in the "second pioneer journey" from Winter Quarters. And all this was done, too, upon the communistic patriarchal plan and genius of the Mormon church, and not as a mere masterly socialistic experiment in peopling a country.

## CHAPTER LXXVI.

ORGANIZATION OF SOCIETY IN SALT LAKG CITY. THE LAND RIGHTS. VIEWS AND INCIDENTS OF THE EARLY DAYS.

The social evolution of the community in the valleys was patriarchal and Israelitish, not secular and modern, and their "land question" in establishing the cities of Utah, was typed with the Mormon Prophet's communistic law of giving the Saints their "inheritances."

In laying off the "city of the Great Salt Lake," the pioneers observed the commandments of the patriarchal revelation given them before leaving Winter Quarters, relative to the building of houses and planting crops for those who remained or who were to follow in their track, "dividing their property, in taking care of the poor, the widows, and the families of those who have gone with the army." As seen in the diary note of historian Woodruff, quoted in the opening chapters, having laid off their city plot, "the Twelve held council. Each one was to make choice of the blocks that they were to *settle their friends upon.* President Young took the tier of blocks south through the city: Brother Kimball's runs north and northwest; Orson Pratt, four blocks; Wilford Woodruff, eight blocks; George A. Smith, eight blocks, and Amasa Lyman, twelve blocks, *according to the companies organized with each.*"

This was no "land grab," nor were these blocks personal property of the pioneer leaders, but for the giving or apportioning of "inheritances" to the families patriarchally organized with their natural families, by adoption, or friends and brothers for whom they were providing homes, in their Mormon system of colonization.

Having surveyed their city plot, taken up their tiers of blocks, built their fort and houses, of logs fetched from the mountains, and ploughed and planted eighty-four acres with corn, potatoes, beans, buckwheat, turnips, etc., on the morning of the 26th of August, 1847, the pioneers, with most of the returning members of the Mormon Battalion, harnessed their horses and bade farewell to the brethren who were to tarry. In this return move to the body of the community, the pioneers were again strictly carrying out the plan: "Let each company prepare houses, and fields for raising corn for those who are to remain behind this season;" and "let every man use all his influence to remove this people to the place where the Lord shall locate a stake of Zion." They had done the same along the route from Nauvoo to the Rocky Mountains, first at Garden Grove, next at Mount Pisgah, then at Council Bluffs, and finally in the valley, and were now returning to gather up the residue of the people. They were also about to extend their plan, with equal fidelity, in the emigration of tens of thousands from

Europe to populate the valleys of the Rocky Mountains which as colonists they claimed.

Notwithstanding about two thousand souls, under their "captains of hundreds," of "fifties," and "tens," arrived in the valley with seven hundred wagons, after the pioneers left, the apportioning of the lands of the city plot was ended for that year, and indeed until the return of the Presidency. There was no disposition manifested to "grab" the lands; yet they all were colonists, with equal rights, at least to city lots and farms not apportioned to the families of the pioneers proper, who had taken posession of this valley and laid off and surveyed the city. What they did was done as a community. Indeed it may be noted, as an illustration of the integrity of the pioneer work for the community, versus individual land-holding to the detriment of the commonwealth, that Wilford Woodruff, who had taken eight ten-acre blocks of the city plot, and Orson Pratt four, were both bound on missions, the former to the Eastern States, the latter to preside over the British Mission, and that the blocks which they had nominally claimed were apportioned out during their absence to early settlers of the city, according to the pioneer order which they approved at the conference held in the valley before their departure. Those blocks never were their *personal property*.

During the absence of President Young the colony simply extended and improved their fort and works begun by the pioneers, gathered their crops, husbanded their stock, took an inventory of their breadstuffs, by the supervision of the bishop, to ration the families till harvest time, and anxiously waited the return of their presiding leaders. But as soon as President Young arrived in the valley (September 20th, 1848) on his second pioneer journey, bringing with him a company of 1,299 souls and 397 wagons, followed by Heber C. Kimball, with a company of 662 souls and 226 wagons, and with the third company of 526 souls and 169 wagons, under Willard Richards, the growth of Great Salt Lake City took giant strides. Within a month (at the October conference) the city was divided into nineteen wards, bishops placed over them, and this stake of Zion organized, upon which both the society and government of Salt Lake City grew.

The parent colony of the Great Salt Lake numbered, now, in the fall of 1848, nearly six thousand souls, and their lands were held not by *purchase*, but by the strict communistic law of the Mormon Church, which "gives to the Saints their *inheritances*." They received their apportionment of city lots upon a most simple, equitable, social plan. Each family of colonists received its due share of the lands, and no sale or purchase of the lands was permitted, in the first instance, which, until apportioned, belonged to the community as colonists and not to the individual.

The following note from the first general epistle sent out from the Mormon Presidency in the spring of 1849, fits the subject at this point. They said: "A field of 8,000 acres has been surveyed south of and bordering an the city, and plotted in five and ten acre lots, and a Church farm of about 800 acres. The five and ten acre lots were distributed to the brethren, by casting lots, and every man is to help build a pole, ditch or stone fence, as shall be most convenient, around the whole field in proportion to the land he draws; also a canal on the east side for the purpose of irrigation."

Upon such simple, equitable plans these Mormon colonists designed to apportion the city and farming lands not only of this Salt Lake valley, but of every valley of the Rocky Mountains, and to apply their "law of inheritance" to millions of their own community, who were expected in due time to inhabit these valleys. So vast a system of colonization has not been conceived, much less attempted, in modern times; and these Mormon leaders would have carried out their original design to the very letter, traveling nearer constantly to the "order of Enoch" and the patriarchal relations of Abraham, had they remained in sole possession of these valleys as in 1847, when their primal rights as colonists were supreme.

The land portion of each family, as a rule, was the acre-and-a-quarter lot, designated in the plan of the city, but the chief men of the pioneers, who had a plurality of wives and numerous children received larger portions of the city lots. The giving of farms, as shown in the general epistle, was upon the same principle as the apportioning of city lots—"every man should have his land measured out to him for city and farming purposes."

The farm of five, ten or twenty acres was not for the mechanic, nor the manufacturer, nor even for the farmer as a mere *personal property*, but for the good of the community at large, to give the substance of the earth to feed the population; the right of the farmer to the farming land was upon the *law of cultivation*, otherwise he had no claim upon the land. "He might till it as he pleased, but he must be industrious and take care of it." So also was the law relative to city lots, owned either by the farmer or mechanic. He must build a house upon it and plant an orchard; and while the farmer was planting and cultivating his farm the mechanic and tradesman produced his supplies for the public good, and thus both classes interchanged supplies and wrought his daily work for the community. This was the first phase of commerce and trade among the community in the settling of these valleys. Money was not the basis, for the people had none; nor had they as yet imported goods for trade and barter; each had about the same family needs, with no surplus. Work, cultivation, production, industry, formed the basis of all, and very fitly the beehive was chosen as the emblem of the State—Deseret. It should further be marked, in the social formation of these colonies, that there were no land rights or claims held for several years by any grants from corporations, either of the city or Territory. The land was held by the simple right of colonization. One dollar and fifty cents, paid to Thomas Bullock, clerk of Salt Lake County, to pay for the survey and recording, was the only thing in the transaction that had the least element of purchase, and this was not for the land, but for labor, clerical work and records, nor was this dollar and a half paid in money, but in exchange of labor, or produce.

It can be easily understood how some departures were made from this original plan. First may be named the extraordinary flow of population to the Pacific Slope, the coming of Gentile merchants to Utah, the gradual mixture of society and the land necessities of the vast emigrations, which have yearly given settlers to Salt Lake City, and the needs of the first land owners to sell their city lots, or portions of those lots to obtain "States' goods" required in the household, for

building purposes, for machinery, for material to help home manufactures. and numerous things which could not be supplied from the native resources of this Territory. But withal there remained, strongly marked, through the whole period of the administration of Brigham Young, as Governor of the Territory, the original features of the community, and many of them to this day are stamped indelibly on the face of the Mormon part of society in all the cities which have sprung up in the valleys of the Rocky Mountains.

Here may be repeated for their excellent pertinency and application, several passages from the early pictures of society in Salt Lake City. Captain Stansbury, in his report to the Government, wrote:

"The founding, within the space of three years, of a large and flourishing community upon a spot so remote from the abodes of men, so completely shut out by natural barriers from the rest of the world, so entirely unconnected by water-courses with either of the oceans that wash the shores of this continent—a country offering no advantages of inland navigation or of foreign commerce, but, on the contrary, isolated by vast uninhabited deserts, and only to be reached by long, painful, and often hazardous journeys by land—presents an anomaly so very peculiar, that it deserves more than a passing notice. In this young and prosperous country of ours, where cities grow up in a day, and States spring up in a year, the successful planting of a colony, where the natural advantages have been such as to hold out the promise of adequate reward to the projectors, would have excited no surprise; but the success of an enterprise under circumstances so much at variance with all our preconceived ideas of its probability, may well be considered one of the most remarkable incidents of the present age.

"Their admirable system of combining labor, while each has his own property, in lands and tenements, and the proceeds of his industry, the skill in dividing off the lands, and conducting the irrigating canals to supply the want of rain, which rarely falls between April and October; the cheerful manner in which every one applies himself industriously, but not laboriously; the complete reign of good neighborhood and quiet houses and fields, form themes for admiration to the stranger coming from the dark and sterile recesses of the mountain gorges into this flourishing valley; and he is struck with wonder at the immense results, produced in so short a time, by a handful of individuals.

"We remained thus shut up until the 3d of April. Our quarters consisted of a small unfurnished house of unburnt brick or adobe, unplastered, and roofed with boards loosely nailed on, which, every time it stormed, admitted so much water as called into requisition all the pans and buckets in the establishment to receive the numerous little streams which came trickling down from every crack and knot-hole. During this season of comparative inaction, we received from the authorities and citizens of the community every kindness that the most warm-hearted hospitality could dictate, and no effort was spared to render us comfortable as their own limited means would admit. Indeed, we were much better lodged than many of our neighbors; for, as has been previously observed, very many families were obliged still to lodge wholly or in part in their wagons, which, being covered, served, when taken off from the wheels and set upon the ground, to make bedrooms, of limited dimensions it is true, but yet exceedingly comfort-

able. Many of these were comparatively large and commodious, and when carpeted and furnished with a little stove, formed an additional apartment or back building to the small cabin, with which they frequently communicated by a door. It certainly argued a high tone of morals and an habitual observance of good order and decorum, to find women and children thus securely slumbering in the midst of a large city, with no protection from midnight molestation other than a wagon-cover of linen and the ægis of the law. In the very next enclosure to that occupied by our party, a whole family of children had no other shelter than one of these wagons, where they slept all the winter, literally out of doors, there being no communication whatever with the inside of their parent's house."

Captain Stansbury wrote this simply as of a marvelous society experiment in this age and country; but he did not so well perceive that all these peculiar society features, were the results of the patriarchal organizations of the Mormons, and the spirit of their "order of Enoch," which they were seeking to infuse into their commonwealth. Women and children "slumbered securely" "in the midst of a large city" of eight thousand inhabitants, for that city was *one family;* "with no protection from midnight molestation other than a wagon cover of linen and the ægis of the law." *That law was the Mormon patriarchal law,* not the law of the United States. Had any brother in that city, ("stake of Zion") in 1850, broken that law in "molesting" those "women and children," or in violating the sanctity of the "family," (though the "Danite Band" is mythical) he would have found a Danite in Zion to have prevented him from ever doing the like again. This was illustrated by Major Howard Egan (the "Kit Carson" of the Mormon community) when he killed his Mormon brother for consorting with his wife, and was defended in a U. S. court, by Apostle George A. Smith, in the first criminal trial in that court, in Salt Lake City, U. S. Associate Justice Zerubbabel Snow presiding.

One other passage from the letter of a California gold seeker, from the New York *Tribune,* (date July 8th, 1849) shall be repeated to illustrate the patriarchal society of our city in those primitive days:

"The company of gold diggers which I have the honor to command, arrived here on the 3d instant, and judge our feelings when, after some twelve hundred miles travel through an uncultivated desert, and the last one hundred miles of the distance through and among lofty mountains, and narrow and difficult ravines, we found ourselves suddenly and almost unexpectedly, in a comparative paradise. * * * At first sight of all these signs of cultivation in the wilderness, we were transported with wonder and pleasure. Some wept, some gave three cheers, some laughed, and some ran and fairly danced for joy, while all felt inexpressibly happy to find themselves once more amid scenes which mark the progress of advancing civilization. We passed on amid scenes like these, expecting every moment to come to some commercial centre, some business point in this great metropolis of the mountains, but we were disappointed. No hotel, sign post, cake and beer shop, barber pole, market house, grocery, provision, dry goods, or hardware store distinguished one part of the town from another; not even a bakery or a mechanic's sign was anywhere discernible.

"Here, then, was something new: an entire people reduced to a level, and

all living by their labor—all cultivating the earth, or following some branch of physical industry. At first I thought it was an experiment, an order of things established purposely to carry out the principles of 'socialism' or 'Mormonism.' In short, I thought it very much like Owenism personified. However, on inquiry, I found that a combination of seemingly unavoidable circumstances had produced this singular state of affairs. There were no hotels because there had been no travel; no barber shops, because every one chose to shave himself, and no one had time to shave his neighbor; no stores, because they had no goods to sell, nor time to traffic; no centre of business, because were all too busy to make a centre.

"There was abundance of mechanics' shops, of dressmakers, milliners and tailors, etc.; but they needed no sign, nor had they time to paint or erect one, for they were crowded with business. Beside their several trades, all must cultivate the land or die, for the country was new, and no cultivation but their own within a thousand miles. Every one had his own lot, and built on it; every one cultivated it, and perhaps a small farm in the distance.

"And the strangest of all was, that this great city, extending over several square miles, had been erected, and every house and fence made, within nine or ten months of the time of our arrival; while at the same time, good bridges were erected over the principal streams, and the country settlements extended nearly one hundred miles up and down the valley.

"This Territory, State, or, as some term it, 'Mormon empire,' may justly be considered one of the greatest prodigies of our time, and, in comparison with its age, the most gigantic of all Republics in existence—being only in its second year since the first seed of cultivation was planted, or the first civilized habitation commenced. If these people were such thieves and robbers as their enemies represent them to be in the States, I must think they have greatly reformed in point of industry since coming to the mountains."

## CHAPTER LXXVIII.

ORIGIN OF THE BRITISH EMIGRATION TO SALT LAKE CITY. ITS CIRCUMSTANTIAL HISTORY. THE P. E. FUND COMPANY. ARRIVAL OF THE FIRST BRITISH EMIGRANTS. GRAND RECEPTION BY THE CITIZENS. MODE OF CONDUCTING THE EMIGRATION. DICKENS' GRAPHIC DESCRIPTION OF "MY EMIGRANT SHIP."

The history of the Mormon emigrations is one of the most unique and interesting society subjects of modern times. From these sources have come not only the bulk of the population of this city and Territory, but also a considerable portion of the population of the surrounding States and Territories. Even the city of St. Louis, a quarter of a century ago, was largely sprinkled with Mormon element, as many of the emigrants to Utah tarried on the way, exhausted by the long sea voyage and destitute of means to pursue their journey to the mountains. Moreover, the emigrational methods by which this vast communistic result was accomplished supplied considerable of the material wealth of the Territory, in the early days, and gave means and opportunities for its commerce.

In the year 1837, that splendid missionary movement was "revealed" to the Prophet Joseph Smith, to send the gospel of the latter-day work to Great Britain and gather from the mother country a people to build up Zion. Speaking of his efforts to establish Zion in Ohio and Missouri, the Prophet has left the following notes in his history:

"About this time (1837), the spirit of speculation in lands and property of all kinds, which was so prevalent throughout the whole nation, was taking deep root in the church. As the fruits of this spirit, evil surmisings, fault-finding, disunion, dissension, and apostacy followed in quick succession, and it seemed as though all the powers of earth and hell were combining their influence in an especial manner to overthrow the church, * * * and many became disaffected towards me as though I were the sole cause of those very evils I was most strenuously striving against, and which were actually brought upon us by the brethren not giving heed to my counsel.

"No quorum in the church was entirely free from the influence of those false spirits who were striving against me for the mastery. Even some of the Twelve were so far lost to their high and responsible calling as to begin to take sides, secretly, with the enemy.

"In this state of things God revealed to me that something new must be done for the salvation of his church. And on or about the 1st of June, 1837, Heber C. Kimball, one of the Twelve, was set apart by the spirit of prophecy and revelation, prayer and the laying on of hands of the first presidency, to pre-

side over a mission to England, to be the first foreign mission of the church of Christ in the last days."

Concerning this very important mission and crisis of the church, Heber C. Kimball says:

"On or about the 1st of June, 1837, the prophet Joseph came to me while I was seated in the front stand, above the sacrament table on the Melchisedek side of the Temple, in Kirtland, and whispering to me, said, 'Brother Heber, the Spirit of the Lord has whispered to me, Let my servant Heber go to England and proclaim my gospel and open the door of salvation to that nation.'"

Undoubtedly, had not such a revelation been given, Mormonism would have amounted to but little in the age, nor would the eyes of nations have been astonished with those vast emigrations of Mormon converts to America, which have contributed so much to the peopling of Utah.

The Apostles Heber C. Kimball and Orson Hyde were set apart by the Prophet to open Great Britain, and to them were added Elders Willard Richards, Goodson, Russell, Fielding and Snyder. Some of the principal men of the church were greatly opposed to this missionary movement into foreign lands, which has since produced such extraordinary results, and given to the Mormon church a missionary history scarcely paralleled since the days of Paul.

In 1840, after the Mormons had been removed from Missouri to Illinois, the majority of the Twelve, under the presidency of Brigham Young, took a second mission to England, and it was during this time that the emigration opened. The event is thus noted in church history:

"Saturday, 6th June, 1840, a company of 41 Saints, to-wit: Elder John Moon, and Hugh Moon, their mother and seven others of her family; Henry Moon, (uncle of John Moon) Henry Moon, Francis Moon, William Sutton, William Stritgreaves, Richard Eaves, Thomas Moss, Henry Moore, Nancy Ashworth, Richard Ainscough, and families sailed in the ship *Britannia*, from Liverpool for New York, being the first Saints that have sailed from England for Zion."

On the 8th of September, 1840, under the agency of Brigham Young, a company of emigrants, numbering 200, sailed from Liverpool for New York, bound for Nauvoo, under the presidency of Elder Theodore Turley, one of the American missionaries, and Elder Wm. Clayton, one of the earliest English converts. William Clayton was afterwards a member of the Pioneer band, and a prominent man in the history of Salt Lake City.

Owing to the expensiveness of the route *via* New York, many of this company fell short of means to complete the journey to Nauvoo; they, therefore, divided at Buffalo, a part going to settle in Kirtland and other settlements in Ohio, and the balance to Nauvoo, to which place Joseph Smith states he had the pleasure of welcoming one hundred of them in the fall of the year. The third ship sent under this agency, February, 1841, was the *Sheffield*, having on board 235 Mormon emigrants; the fourth the *Echo*, which sailed in the same month with 109 souls; the fifth the *Eleste*, which sailed in March, with 54 souls; and on the 20th of April, 1841, Brigham Young, Heber C. Kimball, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith and Willard Richards, with a company of

130 Saints, went on board the ship *Rochester*, bound for New York, and sailed on the 21st.

About the time of the sailing of the *Sheffield* a company, gathered from Herefordshire and the neighboring counties, sailed from Bristol. Since that time up to the year 1856, the main emigration was direct from Liverpool to New Orleans, but numerous individuals sailed between the seasons to New York, Philadelphia, Boston and other American ports. Few particulars have been preserved by the emigration agents respecting the earliest companies, but Parley P. Pratt stated in June, 1841, that about 1,000 persons had then emigrated.

The second period in the emigration table, for the years 1841-2, gave the number of ships, 10; and emigrants 1,991. The year 1843, ships, 5; emigrants, 769. The years 1844-6, ships, 8; emigrants, 990.

According to these tables of the British agency, nearly 5,000 Mormon emigrants landed in America previous to the settling of Utah. Many of these were in the exodus, and among the pioneer companies which arrived in the Valleys in 1847 and 1848; and therefore, though the American element predominated, the British emigrants must be considered as forming a strongly marked vein in the original population of Salt Lake City. Probably, however, the Mormon emigrants from Great Britain, prior to 1850, entered as largely into the population of St. Louis as into that of Salt Lake City; but, from 1850, the emigration tide, from the foreign missions, flowed constantly into the population of Utah.

During the period of the removal of the community from Illinois to the Rocky Mountains, emigration from Great Britain was suspended; but on the 20th of February, 1848, the *Carnatic*, Captain McKenzie, re-opened the emigration, after a suspension of two years, and conveyed 120 passengers to New Orleans, under the presidency of Franklin D. Richards. This company was rapidly made up, and sailed under most pleasing anticipations of at length finding a Zion in the valleys of the Rocky Mountains. Nearly one hundred of the company were adults. They arrived at Council Bluffs just in season to be organized in Willard Richard's company, which followed the companies of Brigham Young and Heber C. Kimball, when they brought up the body of the community.

Before the return of the pioneers to the mountains, they appointed Orson Pratt to preside over the mission in Great Britain, and to push on the emigrations to the fullest extent, while Orson Hyde, George A. Smith and E. T. Benson were stationed at Council Bluffs to receive the emigrants from abroad, and to promote their speedy removal to the Valley, as well as the removal of those of the community who had concentrated there after the exodus from Nauvoo. Orson Pratt's agency extended to February, 1851, and comprised twenty-one vessels, carrying 5,369 souls.

At the October conference held in Salt Lake City, in 1849, Heber C. Kimball brought up the subject of the covenant made in the Temple at Nauvoo, "that the Latter-day Saints would not cease their exertions until every individual of them who desired and was unable to gather to the Valley by his own means was brought to that place;" and it was there and then unanimously voted to raise a fund for the fulfillment of the covenant.

"A committee, consisting of Willard Snow, John S. Fullmer, Lorenzo Snow,

John D. Lee and Franklin D. Richards, was appointed to raise the money, and Bishop Edward Hunter, was appointed to carry it to the States to purchase wagons and cattle, and to bring the poor Saints from the Pottawattomie lands. About five thousand dollars were raised this season. It was resolved, at the same conference, that Elders A. Lyman and C. C. Rich be appointed agents to gather up means for the fund in California; also that the Perpetual Emigrating Fund for the poor, be under the direction of the first presidency of the Church.

"On the 29th of March, 1850, Elder Franklin D. Richards, one of the Twelve Apostles, arrived in England, having been appointed at Great Salt Lake City, on the 6th of October, 1849, to co-operate with Elder Orson Pratt, who was then presiding there, and immediately introduced the subject of the Perpetual Emigrating Fund to the British churches. Donations were made straightway, and the first received was 2s. 6d., from Mark and Charlotte Shelly of Woolwich, on the 19th of April, 1850. The next was £1 from Geo. P. Waugh, of Edinburgh, on the 19th of June. This fund during the second year of its existence was increased in value, in Utah, to about $20,000, and at a general conference in Great Salt Lake City, on the 7th of September, 1850, a committee of three, consisting of Willard Snow, Edward Hunter and Daniel Spencer, was appointed to take care of, and transact the business of the poor fund. It was also agreed to organize the committee into a company and get it chartered by the State.

In the same month the general assembly of the Provisional State of Deseret passed an ordinance incorporating the Perpetual Emigrating Fund Company.

At a special conference of the Church, held on the 15th of the same month Brigham Young was chosen president of the company; and Heber C. Kimball, Willard Richards, Newel K. Whitney, Orson Hyde, George A. Smith, Ezra T. Benson, Jedediah M. Grant, Daniel H. Wells, Willard Snow, Edward Hunter, Daniel Spencer, Thomas Bullock, John Brown, William Crosby, Amasa Lyman, Charles C. Rich, Lorenzo D. Young and Parley P. Pratt, assistants.

The organization was completed by electing Willard Richards, secretary; Newel K. Whitney, treasurer; and Thomas Bullock, recorder. Newel K. Whitney died on the 23d of the same month, and Daniel Spencer was elected treasurer in his stead. Elders Orson Hyde, Orson Pratt, Franklin D. Richards and John Brown, were appointed travelling agents.

The Saints in the British Isles contributed liberally to this fund. Donations as high as £400 were made to it by single individuals. The total amount contributed in that mission up to July, 1854, was £7,113 0 s. 8¼ d. in addition to the value of the fund in Utah. The following interesting account from the *Deseret News* of the first arrival in Salt Lake City, of P. E. F. emigrants, in the fall of 1852, is a worthy passage of our city history of that date:

"Captain A. O. Smoot's company, of thirty-one wagons, was escorted into this city, by the first presidency of the Church, some of the Twelve Apostles and many of the citizens on horseback and in carriages.

"Captain Pitt's band, in the President's spacious carriage, met the company at the mouth of Emigation canyon, where the Saints of both sexes, of nearly seventy years of age, danced and sung for joy, and their hearts were made glad

by a distribution of melons and cakes; after which the band came in the escort, and cheered the hearts of the weary travelers with their enlivening strains.

"Next in the procession came a band of pilgrims—sisters and children, walking, sunburnt and weather-beaten, but not forlorn; their hearts were light and buoyant, which was plainly manifest by their happy and joyful countenances.

"Next followed the wagons. The good condition of the cattle, and the general appearance of the whole train, did credit to Bishop Smoot, as a wise and skillful manager—who was seen on horse, in all the various departments of his company during their egress from the canyon to encampment.

"As the escort and train passed the Temple block, they were saluted with nine rounds of artillery, which made the everlasting hills to shake their sides with joy; while thousands of men, women and children gathered from various parts of the city, to unite in the glorious and joyful welcome.

"After coralling on Union Square, the emigrants were called together, and President Young addressed them as follows:—

"'I have but a few words to say to the brethren and sisters, at the present time. First I will say, may the Lord God of Israel bless you, and comfort your hearts. (The company and bystanders responded Amen.)

"'We have prayed for you continually; thousands of prayers have been offered up for you, day by day, to Him who has commanded us to gather Israel, save the children of men by the preaching of the gospel, and prepare them for the coming of the Messiah. You have had a long, hard, and fatiguing journey across the great waters and the scorched plains; but, by the distinguished favors of heaven, you are here in safety.

"'We understand that the whole company that started under Brother Smoot's guidance, are alive and well, with but a few exceptions. For this we are thankful to our Father in heaven; and our hearts are filled with joy, that you have had faith to surmount the difficulties that have lain in your path; that you have overcome sickness and death, and are now with us to enjoy the blessings of the people of God in these peaceful valleys. You are now in a land of plenty, where, by a reasonable amount of labor, you may realize a comfortable subsistence.

"'You have had trials and sufferings in your journey, but your sufferings have been few compared with thousands of your brethren and sisters in these valleys. * * * With regard to your circumstances and connexions here, I am little acquainted; but this I can say, you are in the midst of plenty. No person here is under the necessity of begging his bread, except the natives; and they beg more than they care for, or can use. By your labor you can obtain an abundance; the soil is rich and productive. We have the best of wheat, and the finest of flour; as good as was ever produced in any other country in the world. We have beets, carrots, turnips, cabbage, peas, beans, melons, and I may say, all kinds of garden vegetables, of the best quality.

"'The prospects are cheering for fruits of different kinds. The grapes that we have raised this season, are, doubtless, as fine as were ever exhibited for sale in the London Market. The peach, we expect, will do well also. We had but few last year; this season we have more. We are under the necessity of waiting a few years before we can have much fruit; but of the staple articles of food, we have a great abundance.

"'With regard to your obtaining habitations to shelter you in the coming winter—all of you will be able to obtain work, and by your industry, you can make yourselves tolerably comfortable in this respect before the winter sets in. All the improvements that you see around you, have been made in the short space of four years; four years ago this day, there was not a rod of fence to be seen, nor a house, except the Old Fort, as we call it, though it was then new. All this, that you now see, has been accomplished by the industry of the people; and a good deal more that you do not see, for our settlements extend 250 miles south, and almost 100 miles north.

"'We shall want some of the brethren to repair to some of the other settlements, such as mechanics and farmers; no doubt they can provide themselves with teams, etc., to bear them to their destinations. Those who have acquaintances here, will all be able to obtain dwellings until they can make accommodations of their own.

"'Again, with regard to labor—don't imagine unto yourselves that you are going to get rich at once by it. As for the poor there are none here, neither are there any who may be called rich, but all obtain the essential comforts of life. * * * I will say to this company, they have had the honor of being escorted into the city by some of the most distinguished individuals of our society, and a band of music, accompanied with a salutation from the cannon. Other companies have not had this mark of respect shown to them; they belong to the rich, and are able to help themselves. I rejoice that you are here; and that you will find yourselves in the midst of abundance of the common necessaries of life, a liberal supply of which you can easily obtain by your labor. Here is the best quality of food; you are in the best atmosphere that you ever breathed; and we have the best water you ever drank. Make yourselves happy, and do not let your eyes be like the fool's eye, wandering after the things of this world; but inquire what you can do that shall be for the best interest of the kingdom of God.

"'No man or woman will be hurried away from the wagons; but you may have the privilege of living in them until you get homes.

"'I hope the brethren who live near by, or those who live at a distance, will send our brethren and sisters some potatoes and melons, or anything else they have, that they may not go hungry; and let them have them free of charge, that they may be blessed with us, as I exhorted the people last Sabbath.

"'I have not anything more to say to you at this time, as my presence is wanted in another place. I pray the Lord God of Israel to bless you; and I bless you in the name of Jesus. Amen.'"

Of the crowning period of the emigration from Europe to Utah, Mr. James Linforth, business manager of the Liverpool office, and since well known as an influential merchant of San Francisco, in his "Route from Liverpool to Great Salt Lake Valley," says:

"On the first of May, 1852, Elder Samuel W. Richards came into charge of the British Mission, and under his agency the emigration attained to greater perfection, and was opened up to a larger number of individuals, in the same amount of time, than at any previous period. The anxiety of thousands of the Saints to gather to Utah, had become intense, so much so, that Elder Richards was fre-

quently desired to organize companies who would walk the entire overland journey, and assist to haul the provisions and luggage also. Much prudence and caution were now required to restrain the overflowing spirit which the Saints were giving way to, and at the same time to promote the emigration of as large a number as practicable in the approaching season. In the meantime the seventh general epistle of the first presidency of the Church had been issued, and on the 17th of July was published to the British churches. The Saints were, in this epistle, exhorted to gather to Utah speedily, by tens of thousands. The language was—'Let all who can procure a loaf of bread, and one garment on their back, be assured there is water plenty and pure by the way, and doubt no longer, but come next year to the place of gathering, even in flocks, as doves fly to their windows before a storm.' This needed no interpretation but was reiterated by hundreds of elders throughout the country, and gave fresh vigor to the desire already burning in the breasts of thousands to emigrate in the coming season. This anxious desire had to be met in some way or other, and after much deliberation it was determined to fit out companies of emigrants in 1853, for the entire journey, at £10 for each person over one year old, and £5 each for those under that age, and it was hoped that by sending efficient men in advance to procure the necessary supplies and teams, the emigrants might be got through upon those terms. As many as 957 persons availed themselves of this arrangement, but it was found necessary to procure a loan upon the teams to complete the journey.

"Elder S. W. Richards was appointed, September 30th, 1852, an agent to the P. E. Fund Company, and during this season 400 persons were assisted out by the P. E. Fund, for whom similar arrangements were made to those for the £10 companies.

"There were 955 emigrants, who either made their own arrangements for the overland journey, or procured their teams by sending money forward in advance of themselves by the agent charged with the superintendence of the P. E. Fund and the £10 emigration. The price of a team consisting of two pairs of oxen, two cows, and one wagon, was estimated at £40, and £2,748, 10s. was sent forward by this class. The emigration now consisted of four classes; first, the P. E. Fund emigrants ordered from the Valley; second, the P. E. Fund emigrants selected in the British Isles; third the £10 emigrants; and fourth, the ordinary emigrants, embracing those who sent money forward to procure teams, and all the balance. The entire expense involved in this season's emigration could not have been less than £30,000. The agent intrusted with the overland part of the journey, for both the P. E. Fund and £10 emigration, was Elder Isaac C. Haight, who had in the previous year assisted Elder Smoot. The president of each ship's company, in which there were emigrants of these descriptions, had charge of them until their delivery to Elder Haight.

"From the experience of 1853, and the increased prices of cattle, wagons, and provisions, occasioned by the great California and Oregon emigration, which has scoured the frontiers and many miles around for several years past, it was found necessary during the last season to charge £13 per head, instead of £10, for those who went in companies similar to the £10 companies of 1853. This amount will possibly cover the expense. The growing interest of P. E. Fund in

the minds of the Saints, however, reduced this class to eighty-six, by inducing those of the emigrants who were not ordered from the Valley by the P. E. Fund Company, nor selected by its agent in Great Britain, or who did not provide their own outfit, to come under the auspices or arrangements of the P. E Fund Company, and many of them donated to the fund all the money they had, and signed the bond to pay in the Valley, the whole cost of their passage money to that place. The amount thus donated was £1,800 8s., and, although the benefit of this was not felt last season, the fund was actually enriched to that amount.

"The ordinary emigration was not so large last season as it was in the previous season, but more money was sent forward for the purchase of teams, the amount being £3,575. The price of a team was estimated at £45, but it appears from recent advices to be higher.

"The P. E. F. emigration of last season was very large, and the agent charged with the superindence of the overland journey is Elder Wm. Empey, a man of experience in the customs and business of the United States, and in the purchase of the outfit. He has the assistance of Elder Dorr P. Curtis, and of other elders of experience *en route* for the Valley. It is fully anticipated that their joint labors will be abundantly sufficient to carry the emigration in a prosperous state into the Valley. The supervision of the emigrants from Liverpool until their delivery to Elder Empey, was given to the presidents of the respective ships, and they will aid, if directed, until the companies are through to the Valley.

"The total number of persons shipped under this agency was 4,346, and it was expected that very few would fail of going through to the Great Salt Lake Valley. The emigration of this number would involve from first to last an expenditure of not less than £70,000.

"After the Latter-day Saints had established missions upon the continent, emigrants soon began to pass through Liverpool *en route* for Great Salt Lake Valley. The first company, numbering 28, was from the Scandinavian mission and was re-shipped at Liverpool, on board the *Italy*, for New Orleans, on the 11th of March, 1852, under the direction of Elder Erastus Snow, one of the Twelve Apostles and founder of the Scandinavian mission. The next company was from the same mission, and numbered 297, and was re-shipped at Liverpool on board the *Forest Monarch* for New Orleans, on the 16th of January, 1853, under the direction of Elder Willard Snow, president of the mission at that time.

"Donations to the Perpetual Emigrating Fund having been commenced in Scandinavia, particularly in Denmark, £136 15s. 6d. was appropriated during Elder Willard Snow's presidency, to the assistance of a number of the persons that sailed in the *Forest Monarch*.

"The next company from the continent was seventeen persons from the German mission, who sailed from Liverpool in August or September, 1853.

"In January, 1854, and under the presidency of Elder John Van Cott, Scandinavia sent out two companies, numbering 678 persons, two of which were assisted by the P. E. Fund. Elders were sent in charge of the Saints, and were to continue with them from Copenhagen to Great Salt Lake Valley, men who could speak both English and Danish, and had travelled the whole route before. To

accomplish the overland journey, £3,667 was sent forward to Elder Empey, to procure the teams, provisions, etc. The point of embarkation from the Scandinavian mission is Copenhagen, and to this place the emigrants gather, and form one company or more as the case may be. They are then conveyed from Copenhagen to Liverpool. The route taken in 1853, was across the Baltic to Kiel, from thence per railway to Altona, from thence across the North Sea, to Hull and then per railway to Liverpool. During the last season the route was a little different, being from Kiel to Gluckstadt, instead of Altona. It will readily be conceived that the continental emigration is characterized by more vicissitudes than the British, and requires a proportionately greater amount of careful and prudent arrangement to preserve the lives of the people, and guard their pockets. Under the wisest and most economical guidance, the removal of this 678 people from their various homes in Frederickstadt, Osterzisoer, and Brevig, in Norway; Schana in Sweden; and Zealand, Jutland, Lalland, Falster, Moen and Fyen, in Denmark, to Great Salt Lake Valley, will consume not less than £10,000.

"In the first vessel occupied by the Scandinavian emigration, in the last season, were thirty-three persons from the German mission, shipped under the direction of Elder Daniel Carn, president of the mission at that time.

"The emigration from the French, Swiss, and Italian missions has hitherto, upon arrival in Liverpool, joined the British, and has been shipped in the vessel sent out by the president of this mission. Interpreters, speaking French, Italian and English have accompanied them.

"MODE OF CONDUCTING THE EMIGRATION—Applications for passage are received by the agent, and when sufficient are on hand a vessel is chartered by him, and the passengers are notified by printed circulars, containing instructions to them how to proceed, when to be in Liverpool to embark, also stating the price of passage, the amount of provisions allowed, etc. It is often the case that one conference or district furnishes a ship load or the greatest part of it. In such cases arrangements are made for them to embark together, and the president of the conference, or some other suitable person, contracts with the railway company for their conveyance to Liverpool altogether, which saves much expense.

"In contracting for the vessel, it is agreed that the passengers shall go on board either on the day of their arrival in Liverpool, or the day following, and although this arrangement may be inconvenient to them, it saves the ruinous expense of lodging ashore, and preserves many an inexperienced person from being robbed by sharpers, who make extensive experiments in this port upon the unwary. When the passengers are on board, the agent, who is always now the president of the Church in the British Islands, proceeds to organize a committee, consisting of a president and two counselors, and, if possible, elders are selected who have travelled the route before, or, at least, have been to sea. These men are received by the emigrants by vote, and implicit confidence is reposed in them. The committee then proceed to divide the ship into wards or branches, over each of which an elder or priest is placed, with his assistants, to preside. The president of the company then appoints from among the adult passengers, watchmen, who, in rotation, stand watch day and night over the ship until her departure, and after nightfall prevent any unauthorized person from descending the

hatchways. When at sea. the presidents of the various wards see that passengers rise about five or six o'clock in the morning, cleanse their respective portions of the ship, and throw the rubbish overboard. This attended to, prayers are offered in every ward, and then the passengers prepare their breakfasts, and during the remainder of the day occupy themselves with various duties. At eight or nine o'clock at night, prayers are again offered, and all retire to their berths. Such regularity and cleanliness, with constant exercise on deck, are an excellent conservative of the general health of the passengers, a thing proverbial of the Latter-day Saints' emigration. In addition to this daily routine, when the weather permits, meetings are held on Sundays, and twice or thrice in the week, at which the usual Church services are observed. Schools for children and adults are also frequently conducted. When elders are on board who are either going or returning to the Valley, and have traveled in foreign countries, they interest the passengers by relating the history of their travels, and describing the scenes they have witnessed, and the vicissitudes through which they have passed. From the *John M. Wood*, which sailed on the 12th of March, 1854, we have accounts that the Swiss and Italian emigrants studied the English language; and the English emigrants, the French and Italian languages. In this they were aided by several missionaries from Italy and Switzerland, conversant with those languages. Lectures on various subjects also were delivered. These agreeable exercises no doubt break the monotony of a long sea-voyage, and improve the mental capacities of the passengers. The good order, cleanliness, regularity, and moral deportment of the passengers generally, seldom fail to produce a good impression upon the captain, crew and any persons on board who are not Latter-day Saints. The result is, they attend the religious meetings or exercises, and few ships now reach New Orleans without some conversions taking place. In the *Olympus*, which sailed in March, 1851, fifty persons were added to the Church during the voyage, and in the *International*, which sailed in February, 1853, forty-eight persons, including the captain and other officers of the ship, were added. Not the least good resulting from the excellent management of the companies is the relaxation of much rigidity necessarily belonging to captains at sea, and the extension of many a favor to the passengers in times of sickness, and when they can well appreciate the kindness. Most of the vessels sent out have had humane and gentlemanly captains, some of whom have been presented at New Orleans with testimonials from the passengers.

"As an instance of the estimation in which the mode of conducting the L. D. Saints' emigration is held in high quarters, we quote from *Morning Advertiser* of June 2. 'On Tuesday, says the London correspondent of the *Cambridge Independent Press*, I heard a rather remarkable examination before a committee of the House of Commons. The witness was no other than the supreme authority in England of the Mormonites, (Elder S. W. Richards), and the subject upon which he was giving information was the mode in which the emigration to Utah, Great Salt Lake, is conducted. * * * He gave himself no airs but was so respectful in his demeanor, and ready in his answers, that, at the close of his examination he received the thanks of the committee in rather a marked manner. * * * There is one thing which, in the opinion of the emigration

committee of the House of Commons, they (the L. D. Saints) can do, viz.—teach Christian shipowners how to send poor people decently, cheaply and healthfully across the Atlantic.'

"On arriving at New Orleans, the emigrants are received by an agent of the Church stationed there for that purpose, and he procures suitable steamboats for them to proceed on to St. Louis without detention. Elder James Brown was the agent for the last season. It is the duty of this agent, furthermore, to report to the president of the European mission, the condition in which the emigrants arrive, and any important circumstances that may be beneficial to be known to him. At St. Louis, another agent of the Church co-operates with the agent sent from England. From thence the emigrants are forwarded still by steamboat to the camping grounds, which were last year at Keokuk in Iowa, at the foot of the lower rapids of the Mississippi, 205 miles from St. Louis, and this year at Kansas, in Jackson County, Missouri, 14 miles west of Independence. Here the emigrants find the teams which the agent has prepared, waiting to receive them and their luggage. Ten individuals are the number allotted to one wagon and one tent. The Perpetual Emigrating Fund Company this year allowed 100 lbs. of luggage, including beds and clothing, to all persons over eight years of age; 50 lbs. to those between eight and four years old; none to those under four years. The wagons are procured to order in Cincinnati and St. Louis, and are conveyed by steamboat to the camping grounds. The wagon-bed is about 12 feet long, 3 feet 4 inches wide, and 18 inches deep, and boxes should be made to fit to advantage.

"The cattle are purchased of cattle dealers in the western settlements, and are driven to the camping grounds. The full team consists of one wagon, two yoke of oxen and two cows. The wagon-covers and tents are made of a very superior twilled cotton, procured in England for the emigration of 1853 and the present year. It is supplied to the emigrants before their departure, and they make the tents and covers on the voyage and thus save expense. A common field tent is generally used. The material is 27 inches wide, and 44 yards are used for a tent, and 26 for a wagon-cover. The two cost about two guineas. The poles and cord are procured by the agent in the United States.

"Each wagon this year contains: the £13 and P. E. Fund emigrants was supplied with 1000 lbs. of flour, 50 lbs. of sugar, 50 lbs. of bacon, 50 lbs. of rice, 30 lbs. of beans, 20 lbs. of dried apples and peaches, 5 lbs. of tea, 1 gallon of vinegar, 10 bars of soap and 25 lbs. of salt. These articles and the milk from the cows, the game caught on the plains, and the pure water from the streams, furnish to hundreds better diet, and more of it, than they enjoyed in their native lands while toiling from 10 to 18 hours per day for their living. Other emigrants who have means, of course purchase what they please, such as dried herrings, pickles, molasses, and more dried fruit and sugar, all of which are very useful, and there is every facility for obtaining them from New Orleans to the edge of the plains.

"As soon as a sufficient number of wagons can be got ready, and all things are prepared, the company or companies move off under their respective captains. The agent remains on the frontiers until all the companies are started, and then he goes forward himself, passing the companies one by one, and arrives in the

Valley first to receive them there, and conduct them into Great Salt Lake City. From the review we have taken of the modus operandi of the emigration, although we have merely glanced at the frame-work, it will be readily seen that it is of no ordinary magnitude, but brings into requisition directly and indirectly, the labors of hundreds of individuals besides the emigrants themselves, and at the present time involves an outlay of not less than £40,000 to £50,000 each year, an amount nevertheless small when the number of emigrants and the distance are considered. It is only by the most careful, prudent and economical arrangements that such a number of persons could be transported from their various British and European homes across the Atlantic Ocean, and three thousand miles into the interior of America, with such a sum of money."

Of the class and character of the British emigrants to Utah, we quote the following inimitable description from the pen of Charles Dickens:

"BOUND FOR THE GREAT SALT LAKE.

"Behold me on my way to an emigrant ship, on a hot morning early in June. My road lies through that part of London generally known to the initiated as "Down by the Docks." * * * Gigantic in the basin just beyond the church, looms my emigrant ship: her name, the *Amazon*. Her figure-head is not *dis*figured as those beauteous founders of the race of strong-minded women are fabled to have been, for the convenience of drawing the bow; but I sympathize with the carver:

> A flattering carver who made it his care
> To carve busts as they ought to be—not as they were,

My emigrant ship lies broadside-on to the wharf. Two great gangways made of spars and planks connect her with the wharf; and up and down these gangways, perpetually crowding to and fro and in and out, like ants, are the emigrants who are going to sail in my emigrant ship. Some with cabbages, some with loaves of bread, some with cheese and butter, some with milk and beer, some with boxes, beds and bundles, some with babies—nearly all with children—nearly all with bran-new tin cans or their daily allowance of water, uncomfortably suggestive of a tin flavor in the drink. To and fro, up and down, aboard and ashore, swarming here and there and everywhere, my emigrants. And still as the dock-gate swings upon its hinges, cabs appear, and carts appear, and vans appear, bringing more of my emigrants, with more cabbages, more loaves, more cheese and butter, more milk and beer, more boxes, beds and bundles, more tin cans, and on those shipping investments accumulated compound interest of children.

"I go aboard my emigrant ship. I go first to the great cabin, and find it in the usual condition of a cabin at that pass. Perspiring landsmen, with loose papers, and with pens and inkstands, pervade it; and the general appearance of things is as if the late Mr. Amazon's funeral had just come home from the cemetery, and the disconsolate Mrs. Amazon's trustees found the affairs in great disorder, and were looking high and low for the will. I go out on the poop-deck, for air, and surveying the emigrants on the deck below (indeed they are crowded all about me, up there too), find more pens and inkstands in action, and more papers, and interminable complication respecting accounts with individuals for tin cans and

what not. But nobody is in an ill-temper, nobody is the worse for drink, nobody swears an oath or uses a coarse word, nobody appears depressed, nobody is weeping, and down upon the deck in every corner where it is possible to find a few square feet to kneel, crouch, or lie in, people, in every unsuitable attitude for writing, are writing letters.

"Now, I have seen emigrant ships before this day in June. And these people are so strikingly different from all other people in like circumstance whom I have ever seen, that I wonder aloud: 'What *would* a stranger suppose these emigrants to be!'

"The vigilant bright face of the weather-browned captain of the Amazon is at my shoulder, and he says, 'What, indeed! The most of these came aboard yesterday evening. They came from various parts of England in small parties that had never seen one another before. Yet they had not been a couple of hours on board, when they established their own police, made their own regulations, and set their own watches at all the hatchways. Before nine o'clock, the ship was as orderly and quiet as a man-of-war.'

"I looked about me again, and saw the letter-writing going on with the most curious composure. Perfectly abstracted in the midst of the crowd; while great casks were swinging aloft, and being lowered into the hold; while hot agents were hurrying up and down, adjusting the interminable accounts; while two hundred strangers were searching everywhere for two hundred other strangers, and were asking questions about them of two hundred more; while the children played up and down all the steps, and in and out among all the people's legs, and were beheld, to the general dismay, toppling over all the dangerous places; the letter-writers wrote on calmly. On the starboard side of the ship, a grizzled man dictated a long letter to another grizzled man in an immense fur cap; which letter was of so profound a quality, that it became necessary for the amanuensis at intervals to take off his fur cap in both his hands, for the ventilation of his brain, and stare at him who dictated. as a man of many mysteries who was worth looking at. On the larboard side, a woman had covered a belaying-pin with a white cloth to make a neat desk of it, and was sitting on a little box, writing with the deliberation of a bookkeeper. Down upon her breast on the planks of the deck at this woman's feet, with her head diving in under a beam of the bulwarks on that side, as an eligible place of refuge for her sheet of paper, a neat and pretty girl wrote for a good hour (she fainted at last), only rising to the surface occasionally for a dip of ink. Alongside the boat, close to me on the poop-deck, another girl, a fresh well-grown country girl, was writing another letter on the bare deck. Later in the day, when this self-same boat was filled with a choir who sang glees and catches for a long time, one of the singers, a girl, sang her part mechanically all the while, and wrote a letter in the bottom of the boat while doing so.

"'A stranger would be puzzled to guess the right name for these people, Mr. Uncommercial,' says the captain.

"'Indeed he would.'

"'If you hadn't known, could you ever have supposed——?'

"'How could I! I should have said they were in their degree, the pick and flower of England.'

"'So should I,' says the captain.

"'How many are they?'

"'Eight hundred in round numbers.'

"I went between-decks, where the families with children swarmed in the dark, where unavoidable confusion had been caused by the last arrivals, and where the confusion was increased by the little preparations for dinner that were going on in each group. A few women here and there, had got lost, and were laughing at it, and were asking their way to their own people, or out on deck again. A few of the poor children were crying; but otherwise the universal cheerfulness was amazing. 'We shall shake down by to-morrow.' 'We shall come all right in a day or so.' 'We shall have more light at sea.' Such phrases I heard everywhere, as I groped my way among chests and barrels and beams and unstowed cargo and ring-bolts and emigrants, down to the lower deck, and thence up to the light of day again, and to my former station.

"Surely an extraordinary people in their power of self-abstraction. All the former letter-writers were still writing calmly, and many more letter-writers had broken out in my absence. A boy with a bag of books in his hand and a slate under his arm, emerged from below, concentrated himself in my neighborhood (espying a convenient skylight for his purpose), and went to work at a sum as if he were stone deaf. A father and mother and several young children, on the main deck below me, had formed a family circle close to the foot of the crowded restless gangway, where the children made a nest for themselves in a coil of rope, and the father and mother, she suckling the youngest, discussed family affairs as peaceably as if they were in perfect retirement. I think the most noticeable characteristic in the eight hundred as a mass, was their exemption from hurry.

"Eight hundred what? 'Geese, villain?' *Eight hundred Mormons.* I, Uncommercial Traveler for the firm of Human Interest Brothers, had come aboard this emigrant ship to see what eight hundred Latter-day Saints were like, and I found them (to the rout and overthrow of all my expectations) like what I now describe with scrupulous exactness.

"The Mormon agent who had been active in getting them together, and in making the contract with my friends the owners of the ship to take them as far as New York on their way to the Great Salt Lake, was pointed out to me. A compactly-made handsome man in black, rather short, with rich brown hair and beard, and clear bright eyes. From his speech, I should set him down as an American. Probably, a man who had 'knocked about the world' pretty much. A man with a frank open manner, and unshrinking look; withal a man of great quickness. I believe he was wholly ignorant of my Uncommercial individuality, and consequently of my immense Uncommercial importance.

"*Uncommercial.* These are a very fine set of people you have brought together here.

"*Mormon Agent.* Yes, sir, they are a *very* fine set of people.

"*Uncommercial* (looking about). Indeed, I think it would be difficult to find eight hundred people together anywhere else, and find so much beauty and so much strength and capacity for work among them.

"*Mormon Agent* (not looking about, but looking steadily at Uncommercial). I think so—We sent about a thousand more, yes'day, from Liverpool.

"*Uncommercial.* You are not going with these emigrants?

"*Mormon Agent.* No, sir. I remain.

"*Uncommercial.* But you have been in the Mormon Territory?

"*Mormon Agent.* Yes; I left Utah about three years ago.

"*Uncommercial.* It is surprising to me that these people are all so cheery, and make so little of the immense distance before them.

"*Mormon Agent.* Well, you see, many of 'em have friends out at Utah, and many of 'em look forward to meeting friends on the way.

"*Uncommercial.* On the way?

"*Mormon Agent.* This way 'tis. This ship lands 'em in New York City. Then they go on by rail right away beyond St. Louis, to that part of the banks of the Missouri where they strike the plains. There, wagons from the settlement meet 'em to bear 'em company on their journey 'cross—twelve hundred miles about. Industrious people who come out to the settlement soon get wagons of their own, and so the friends of some of these will come down in their own wagons to meet 'em. They look forward to that greatly.

"*Uncommercial.* On their long journey across the desert, do you arm them?

"*Mormon Agent.* Mostly you would fine they have arms of some kind or another already with them. Such as had not arms we should arm across the plains, for the general protection and defense.

"*Uncommercial.* Will these wagons bring down any produce to the Missouri?

"*Mormon Agent.* Well, since the war broke out, we've taken to growing cotton, and they'll likely bring down cotton to be exchanged for machinery. We want machinery. Also we have taken to growing indigo, which is a fine commodity for profit. It has been found that the climate on the further side of the Great Salt Lake suits well for raising indigo.

"*Uncommercial.* I am told that these people now on board are principally from the south of England.

"*Mormon Agent.* And from Wales. That's true.

"*Uncommercial.* Do you get many Scotch?

"*Mormon Agent.* Not many.

"*Uncommercial.* Highlanders, for instance.

"*Mormon Agent.* No, not Highlanders. They ain't interested enough in universal brotherhood and peace and good will.

"*Uncommercial.* The old fighting blood is strong in them?

"*Mormon Agent.* Well, yes. And besides, they've no faith.

"*Uncommercial* (who has been burning to get at the Prophet Joe Smith, and seems to discover an opening). Faith in—

"*Mormon Agent* (far too many for Uncommercial). Well—in anything.

"Similarly on this same head, the Uncommercial underwent discomfiture from a Wiltshire laborer; a simple, fresh-colored farm-laborer, of eight-and-thirty, who at one time stood beside him looking on at new arrivals, and with whom he held this dialogue:

"*Uncommercial.* Would you mind my asking you what part of the country you come from?

"*Wiltshire.* Not a bit. Theer! (exultingly) I've worked all my life o' Salisbury Plain, right under the shadder o' Stonehenge. You mightn't think it, but I haive.

"*Uncommercial.* And a pleasant country, too.

"*Wiltshire.* Ah! 'Tis a pleasant country.

"*Uncommercial.* Have you any family on board?

"*Wiltshire.* Two children, boy and gal. I am a widderer, I am, and I'm going out alonger my boy and gal. That's my gal, and she's a fine gal o' sixteen (pointing out the girl who is writing by the boat). I'll go and fetch my boy. I'd like to show you my boy. (Here Wiltshire disappears, and presently comes back with a big shy boy of twelve, in a superabundance of boots, who is not at all glad to be presented.) He is a fine boy too, and a boy fur to work. (Boy having undutifully bolted, Wiltshire drops him.)

"*Uncommercial.* It must cost you a great deal of money to go so far, three strong.

"*Wiltshire.* A power of money. Theer! Eight shillen a week, eight shillen a week, eight shillen a week, put by out of the week's wages for ever so long.

"*Uncommercial.* I wonder how you did it.

"*Wiltshire* (recognising in this a kindred spirit). See theer now! I wonder how I done it! But what with a bit o' subscription heer, and what with a bit o' help theer, it were done at last, though I don't hardly know how. Then it were unfor'net for us, you see, as we got kep' in Bristol so long—nigh a fortnight, it were—on accounts of a mistake wi' Brother Halliday. Swaller'd up money, it did, when we might have come straight on.

"*Uncommercial* (delicately approaching Joe Smith). You are of the Mormon religion, of course?

"*Wiltshire* (confidently). O, yes, I'm a Mormon. (Then reflectively.) I'm a Mormon. (Then, looking round the ship, feigns to descry a particular friend in an empty spot, and evades the Uncommercial for evermore.)

"After a noontide pause for dinner, during which my emigrants were nearly all between-decks and the *Amazon* looked deserted, a general muster took place. The muster was for the ceremony of passing the government inspector and the doctor. Those authorities held their temporary state amidships, by a cask or two; and, knowing that the whole eight hundred emigrants must come face to face with them, I took my station behind the two. They knew nothing whatever of me, I believe, and my testimony to the unpretending gentleness and good nature with which they discharged their duty, may be of the greater worth. There was not the slightest flavor of the Circumlocution Office about their proceedings.

"The emigrants were now all on deck. They were densely crowded aft, and swarmed upon the poop-deck like bees. Two or three Mormon agents stood ready to hand them on to the inspector, and to hand them forward when they had passed. By what successful means, a special aptitude for organization had been infused into these people, I am, of course, unable to report. But I know that, even now, there was no disorder, hurry or difficulty.

"All being ready, the first group are handed on. That member of the party who is entrusted with the passenger-ticket for the whole, has been warned by one of the agents to have it ready, and here it is his hand. In every instance through the whole eight hundred, without an exception, this paper is always ready.

"*Inspector* (reading the ticket). Jessie Jobson, Sophronia Jobson, Jessie Jobson again, Matilda Jobson, William Jobson, Jane Jobson, Matilda Jobson again, Brigham Jobson, Leonardo Jobson and Orson Jobson. Are you all here? (glancing at the party, over his spectacles).

"*Jessie Jobson Number Two.* All here, sir.

"This group is composed of an old grandfather and grandmother, their married son and his wife, and *their* family of children. Orson Jobson is a little child asleep in his mother's arms. The doctor, with a kind word or so, lifts up the corner of the mother's shawl, looks at the child's face, and touches the little clenched hand. If we were all as well as Orson Jobson, doctoring would be a poor profession.

"*Inspector.* Quite right, Jessie Jobson. Take your ticket, Jessie, and pass on.

"And away they go. Mormon agent, skillful and quiet, hands them on. Mormon agent, skillful and quiet, hands next party up.

"*Inspector* (reading ticket again). Susannah Cleverly and William Cleverly. Brother and sister, eh?

"*Sister* (young woman of business, hustling slow brother). Yes, sir.

"*Inspector.* Very good, Susannah Cleverly. Take your ticket, Susannah, and take care of it.

"And away they go.

"*Inspector* (taking ticket again). Sampson Dibble and Dorothy Dibble (surveying a very old couple over his spectacles, with some surprise). Your husband quite blind, Mrs. Dibble?

"*Mrs. Dibble.* Yes, sir, he be stone blind.

"*Mr. Dibble* (addressing the mast). Yes, sir, I be stone blind.

"*Inspector.* That's a bad job. Take your ticket, Mrs. Dibble, and don't lose it, and pass on.

"Doctor taps Mr. Dibble on the eyebrow with his forefinger, and away they go.

"*Inspector* (taking ticket again). Anastatia Weedle.

"*Anastatia* (a pretty girl in a bright garibaldi, this morning elected by universal suffrage the beauty of the ship). That is me, sir.

"*Inspector.* Going alone, Anastatia?

"*Anastatia* (shaking her curls). I am with Mrs. Jobson, sir, but I've got separated for the moment.

"*Inspector.* Oh! you are with the Jobsons? Quite right. That'll do, Miss Weedle. Don't lose your ticket.

"Away she goes, and joins the Jobsons who are waiting for her, and stoops and kisses Brigham Jobson—who appears to be considered too young for the purpose, by several Mormons rising twenty, who are looking on. Before her exten-

sive skirts have departed from the casks a decent widow stands there with four children, and so the roll goes.

"The faces of some of the Welsh people, among whom there were many old persons, were certainly the least intelligent. Some of these emigrants would have bungled sorely, but for the directing hand that was always ready. The intelligence here was unquestionably of a low order, and the heads were of a poor type. Generally the case was the reverse. There were many worn faces bearing traces of patient poverty and hard work, and there was great steadiness of purpose and much undemonstrative self-respect among this class. A few young men were going singly. Several girls were going two or three together. These latter I found it very difficult to refer back, in my mind, to their relinquished homes and pursuits. Perhaps they were more like country milliners, and pupil teachers rather tawdrily dressed, than any other classes of young women. I noticed, among many little ornaments worn, more than one photograph-broach of the Princess of Wales, and also of the late Prince Consort. Some single women of from thirty to forty, whom one might suppose to be embroiderers, or straw-bonnet-makers, were obviously going out in quest of husbands, as finer ladies go to India. That they had any distinct notions of a plurality of husbands or wives, I do not believe. To suppose the family groups of whom the majority of emigrants were composed, polygamically possessed, would be to suppose an absurdity, manifest to any one who saw the fathers and mothers.

"I should say (I had no means of ascertaining the fact) that most familiar kinds of handicraft trades were represented here. Farm-laborers, shepherds, and the like, had their full share of representation, but I doubt if they preponderated. It was interesting to see how the leading spirit in the family circle never failed to show itself, even in the simple process of answering to the names as they were called, and checking off the owners of the names. Sometimes it was the father, much oftener the mother, sometimes a quick little girl second or third in order of seniority. It seemed to occur for the first time to some heavy fathers, what large families they had; and their eyes rolled about, during the calling of the list, as if they half-misdoubted some other family to have been smuggled into their own. Among all the fine handsome children, I observed but two with marks upon their necks that were probably scrofulous. Out of the whole number of emigrants, but one old woman was temporarily set aside by the doctor, on suspicion of fever; but even she afterwards obtained a clean bill of health.

"When all had "passed," and the afternoon began to wear on, a black box became visible on deck, which box was in charge of certain personages also in black of whom only one had the conventional air of an itinerant preacher. This box contained a supply of hymn books, neatly printed and got up, published at Liverpool, and also in London at the "Latter-day Saints' book depot, 30 Florence street." Some copies were handsomely bound; the plainer were more in request, and many were bought. The title ran: "Sacred hymns and spiritual songs for the Church of Jesus Christ of Latter-day Saints.' The preface, dated Manchester, 1840, ran thus:—'The Saints in this country have been very desirous for a Hymn Book adapted to their faith and worship, that they might sing the truth with an understanding heart, and express their praise, joy and gratitude in

songs adapted to the New and Everlasting Covenant. In accordance with their wishes, we have selected the following volume, which we hope will prove acceptable until a greater variety can be added. With sentiments of high consideration and esteem, we subscribe ourselves your brethren in the New and Everlasting Covenant. *Brigham Young, Parley P. Pratt, John Taylor.*" From this book—by no means explanatory to myself of the New and Everlasting Covenant, and not at all making my heart an understanding one on the subject of that mystery—a hymn was sung, which did not attract any great amount of attention, and was supported by a rather select circle. But the choir in the boat was very popular and pleasant; and there was to have been a band, only the cornet was late in coming on board. In the course of the afternoon, a mother appeared from shore, in search of her daughter, 'who had run away with the Mormons.' She received every assistance from the inspector, but her daughter was not found to be on board. The Saints did not seem to me, particularly interested in finding her.

"Towards five o'clock, the galley became full of tea-kettles, and an agreeable fragrance of tea pervaded the ship. There was no scrambling or jostling for the hot water, no ill humor, no quarrelling. As the *Amazon* was to sail with the next tide, and as it would not be high water before two o'clock in the morning, I left her with her tea in full action, and her idle steam tug lying by, deputing steam and smoke for the time being to the tea-kettles.

"I afterwards learned that a despatch was sent home by the captain before he struck out into the wide Atlantic, highly extolling the behavior of these emigrants, and the perfect order and propriety of all their social arrangements. What is in store for the poor people on the shores of the Great Salt Lake, what happy delusions they are laboring under now, on what miserable blindness their eyes may be opened then, I do not pretend to say. But I went on board their ship to bear testimony against them if they deserved it, as I fully believed they would; to my great astonishment they did not deserve it; and my predispositions and tendencies must not affect me as an honest witness. I went over the *Amazon's* side, feeling it impossible to deny that, so far, some remarkable influence had produced a remarkable result, which better known influences have often missed."*

Dickens was right when he exclaimed, "I should have said they were in their degree the pick and flower of England." The founders of the commerce of Salt Lake City, its business men and clerks, its master mechanics and manufacturers, its authors, editors and publishers, its artists, musicians, and their kindred classes, were nearly all from the European mission, and sailed in these emigrant ships such as Dickens describes.

It may be here noted as a valuable item of emigrational history that the largest emigration of the Mormon Church from Europe within a limited period

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*"After this Uncommercial Journey was printed, I happened to mention the experience it describes to Lord Houghton. That gentleman then showed me an article of his writing, in *The Edinburgh Review* for January, 1862, which is highly remarkable for its philosophical and literary research concerning these Latter-day Saints. I find in it the following sentences:—'The Select Committee of the House of Commons on emigrant ships for 1854, summoned the Mormon agent and passenger broker before it, and came to the conclusion that no ships under the provisions of the 'passenger act' could be depended upon for comfort and security in the same degree as those under his administration. The Mormon ship is a family under strong and accepted discipline, with every provision for comfort, decorum, and internal peace."

occurred in 1863, when six vessels left in five weeks, with 3,574 souls of the Saints on board, as follows:

| | | | | |
|---|---|---|---|---|
| April 30—*John J. Boyd*, | 763 | souls. | Prest. of Co., | W. W. Cluff. |
| May 8—*B. S. Kimball*, | 654 | " | " | H. P. Lund. |
| May 8—*Consignment*, | 38 | " | " | A. Christensen. |
| May 22—*Antarctic*, | 483 | " | " | J. Needham. |
| May 31—*Cynosure*, | 754 | " | " | D. M. Stuart. |
| June 4—*Amazon*, | 882 | " | " | W. Bramall. |
| TOTAL, | 3574 | " | | |

All the above sailed from Liverpool except the *Amazon* (the one visited by Charles Dickens), which went from London.

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## CHAPTER LXXIX.

EARLY RESOURCES OF OUR TERRITORY. EMIGRANT TRAINS LADEN WITH BRITISH HOMES. THE CHURCH AGENT MAKING PURCHASES ON THE FRONTIERS. RACE MIXTURE OF THE POPULATION.

The destitute condition of the people in the Valley, in the second year of settling, has been mentioned in the opening chapters. They were reduced almost to the condition of the native Indians. Their clothing, their shoes, their hats and everything most needed by a community, in absolute isolation, were worn out. There were manufacturers and mechanics, but no manufactories or means within themselves to replenish their exhausted resources; nor had an eastern merchant yet arrived with a train of goods. Even had the people possessed gold to invite a merchant train to such a distant point, the supplies would have been swallowed up in a day, scarcely benefitting the community while exhausting their money: but there was not a dollar in the country. All the monetary resources of the Mormons, numbered in the exodus, had been spent in purchasing outfits to remove themselves to the Rocky Mountains, (where money was absolutely valueless at the onset) and in providing themselves with the simplest implements of husbandry, and builders', manufacturers' and mechanics' tools.

The emigration from Europe and the eastern States were the natural sources of supplies for colonization, to which these Mormon pioneers looked, when they set out from the "borders of civilization," to build their cities in the heart of the "Great American Desert;" and only these emigrations could have preserved the community in isolation from utter destitution. There were no anticipations of the discovery of gold in the unpeopled West when the Mormons set out from Nauvoo; and it is not strange that the Gentile world said Brigham Young and his companion apostles had led the Mormons into the wilderness to perish, and that none of them would ever be seen within the borders of civilization again. But

those pioneer apostles knew that they had a British mission to draw population from, and that their emigrations from Europe, and the branches of the Church in the United States, would enable them, in the natural course of their affairs, to accomplish their work of colonizing these valleys. The community, possessing no gold, could not at the onset have sent their merchants down to the States to purchase supplies; but their emigration agents would have been their merchants; their vast trains of emigrants with outfits and merchandise would in time have supplied the people with goods and implements, which could not be produced at home; considerable money would have been brought into the country by the well-to-do emigrants for the purchase of machinery, while the community would have built themselves up by a system of trade and barter, much of the business of the country being done through the agencies of the Church at home and abroad. This indeed very nearly accords with the actual history of our city and Territory down to the completion of the railroads across the continent, and the opening of the Utah mines; and had not gold been discovered in California, in 1849, and the mining Territories of Nevada, Idaho and Montana sprung up around us, it would have been the exact history of Utah to this day, with all the original prospects. These valleys would have been peopled with *a family of colonies*; and the community would have preserved their original forms and social types. These virgin valleys would have given to the farmers land sufficient for a million hands to cultivate, boundless opportunities for stockraisers, wool growers, and the raisers of fruit, sugar cane, cotton, etc.; while there would have developed equal opportunities for home manufacturers, without being brought into competition with the eastern manufacturer and merchant. This view sustains the early policies of Brigham Young, especially in his efforts to make the community self-dependent and self-supportive; to place home manufactures above "States goods," and the farmer and the home producer above the States' merchant; hence the conflict which grew up in the early commerce of our city.

A passage from an autobiographical sketch of the Salt Lake merchant and banker, Horace S. Eldredge, who, in the early days, was the emigration agent of the Church, will further illustrate what the emigrations did for Salt Lake City, and also did in establishing the credit of the community in the Eastern cities, especially St. Louis and Chicago. He says:

"In the fall of 1852, I was called upon and appointed by the General Conference of the Church to take a mission to St. Louis, Mo., to preside over the St. Louis Conference, to act as general Church agent for the emigration and as purchasing agent for the Church.

"In the spring of 1853, our emigration from Europe amounted to about three thousand souls and required over three hundred wagons and a thousand head of oxen to transport them. These, with what was termed the American emigration swelled the number to over four hundred wagons and nearly two thousand head of cattle. It required an immense labor to deliver these at the overland starting point, besides purchasing the provisions, outfits and all the necessaries for a three or more months' camp life.

"On my return to St. Louis, I had to look to some Church matters, and, after visiting several branches and giving them the necessary counsel, I began, by con-

tracting for wagons, etc., to lay my plans and arrange for the coming season's immigration. Having formed many agreeable acquaintances, I spent the winter much pleasanter than I had the previous one. The following spring brought its cares and responsibilities, as a large emigration from Europe as well as many from St. Louis and vicinity and different parts of the States were preparing to migrate to our mountain home, and all were more or less looking to me as agent to provide for them their outfit by the way of teams, provisions, and the various necessities for a trip across the plains. I also received orders from Salt Lake City to purchase a large quantity of merchandise, machinery, agricultural implements, and to provide wagons, teams, teamsters, etc., for their transportation."

In this extract from Mr. Eldredge's emigrational notes, we have not only a view of the vast business done on the frontiers by the Church agents, in outfitting companies bound for the Valleys, but the commencement of the mercantile basis and credit upon which years afterwards Z. C. M. I. was founded, and which will itself be suggestive of the colossal commercial commonwealth which Brigham Young had designed to establish throughout the community when the pioneers first entered these valleys.

In 1852-3-4, of which Mr. Eldredge notes, the original plan was fairly working, both on the emigrational and mercantile lines; and Salt Lake Mormon merchants began to be favorably known in the Eastern States as well as the emigration agents. The "over four hundred wagons, and nearly two thousand head of cattle," with yokes, etc., which Mr. Eldredge purchased for the emigrants and delivered on the frontiers represented a prime cost of $120,000. It must be borne in mind also that these four hundred wagons came into the Valley, in the fall of 1853, laden with almost everything to be mentioned that the settlers most needed, excepting a competent supply of merchandise and machinery; and even of the latter the affluent emigrant brought a goodly share; while, in the year following, as it is seen, the emigration agent received "orders from Salt Lake City to purchase a large quantity of merchandise, machinery and agricultural implements."

First the emigrants from Great Britain came across the sea to New Orleans, with the best outfits that they could bring to a new country: the choicest tools of the mechanic and manufacturer; the most useful and endurable clothing, enough to last the family for several years; milliners, dressmakers, etc., came with their stock in trade, and all their household utilities—indeed, excepting furniture and cumbersome articles, it may be said that from the opening of the general emigration to Utah in 1849-50, a thousand English, Scotch and Welsh homes were yearly transposed to Utah from the mother country. It was with these homes and their hordings of years that those 400 wagons, with their 2,000 head of cattle, came laden into the Valley. They were as merchant trains of matchless worth to furnish supplies to the young colonies; in fine it was those trains of the European and American emigrants, which yearly poured across the Plains from 1849; that started and sustained the commerce and business, not only of Salt Lake City, but of every settlement of Utah, while the agricultural interests of the country were equally as well sustained.

The farmers themselves came in those emigrant trains, with their wagons, oxen, seed, and implements of husbandry; the mechanic and manufacturer with

their tools and experienced skill. The agriculturists went into the fresh valleys north and south where they could obtain farms and lots "without money and without price," except for the survey, the labor on canals for irrigation, and the fencing of their lands; while those who chose to settle in Salt Lake City, purchased lots, or portions of lots, with the supplies which they had brought, and which the primal settlers of this valley needed more than gold. A pound of tea, of sugar, of tobacco, a dress, a suit of clothes or a set of mechanic's tools, a paper of needles or pins, a supply of silk, thread or tape, or a thousand other seemingly trifling articles, which had been brought to the valley in those emigrant outfits, afforded means of purchase and trade; while the emigrant of the "independent companies," who arrived with several wagons and yokes of oxen and a small stock of merchandise possessed abundance, not only to purchase a lot and build himself a log or adobe house, retaining one wagon and one yoke of oxen for farm or canyon work, but enough to give him a fair start in business life.

The early merchants of Salt Lake did next to nothing for the country, excepting periodically to bring in a few trains of States goods and to swallow up the money of the country, which the emigrants had brought in, and which they had put into circulation in the purchase of their lots and the building and furnishing of their houses. The Church, the emigrations and the Mormon people did almost everything for the country during the first decade. It was not until after the "Utah war," (1857) the establishment of Camp Floyd with its final abandonment, leaving vast supplies in the country, at little money cost, that the Mormon community realized any real benefit outside the operations of their Church temporal government, their emigrations and their exchange of property and labor with each other.

In the beginning of the second decade, after Camp Floyd had given opportunities to a fresh class of enterprising men, the commercial status was changed and the community began to feel the pulsation of vitalizing blood of a healthy vigorous home trade and commerce. A new class of Salt Lake merchants had risen. They were not merely resident merchants, but truly our home merchants, whose every interest was identified with Utah in their own life enterprises and in the generations of their children. They were Hooper, Nixon, the Walker Brothers, Jennings, Eldredge, Clawson, Kimball & Lawrence, Staines & Needham, Godbe & Mitchell, and their compeers, both in and outside the community, in a special sense, but every man of them a part of the community in a general sense. These made our commerce reciprocal. If they imported "States' goods" and drained the city of money for awhile to supply fresh stocks of merchandise from the Eastern States ann California, they also exported the produce of the country to the mining Territories, purchased grain for the Overland Mail Company, sent herds of fat cattle into the neighboring markets, and at a later period, with such men as John Sharp and Feramorz Little, they have built the railroads and opened the mines of Utah.

Disposing here of the subject of the emigrations, which have so largely contributed to the population of this Territory, it may be observed that in 1856, nearly five thousand Mormon emigrants sailed from Liverpool to America. In consequence of the "Utah war," the emigration was then closed until 1860, when

it was again opened. From that date to the completion of the U. P. railroad, the Perpetual Emigration Company adopted the policy of sending from 500 to 1,000 teams every year to the frontiers, and later to the railroad points to "gather up the poor." These trains also brought large stocks of merchandise, machinery and agricultural implements for their settlements prior to the establishment of Z. C. M. I.; and in 1861 they brought the telegraph wires for our local telegraph lines. Thus it will be seen much of the mercantile activities went hand-in-hand with the emigration until the completion of the railroads, since which time the emigrants to Utah have come direct from New York to Ogden by rail. Up to present date it is estimated that about 100,000 Mormon emigrants have landed in America, the majority of whom have come to Utah. The Scandinavians claim one-fifth of the Mormon population; the remainder are Americans, English, Scotch, Welsh, Irish, French, Italians, Swiss and Germans. It has been often affirmed that there are no Irish among the Mormons. This is not correct. Some of the most talented men of the community have been Irishmen; for instance, General James Ferguson and Edward L. Sloan; and the author has discovered, in writing their biographies, that there is a copious infusion of Irish blood in the veins of the American Mormons. In defining the strong veins of our population, however, they would have to be classed, American, English, Scandinavian, Scotch, Welsh, German a few of the other races named, and a mixture of the whole in their offspring, which are American born, giving a vast preponderance to the American element in our composite population.

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## CHAPTER LXXX.

SOCIAL GRADING OF UTAH. A COMMUNITY OF MANUFACTURERS. THE PUBLIC WORKS. OUR INDUSTRIES AND INDUSTRIAL MEN. BIOGRAPHICAL SKETCHES. Z. C. M. I. BOOT AND SHOE FACTORY. PROSPECTS OF HOME MANUFACTURES.

The growth and social grading of Utah have deviated markedly from the rules and examples of all the rest of the western family of States which have grown up during her period of existence. Her development, in fact, has been according to the old and not the new social methods. The other States and Territories on the western line have sprung up out of almost superhuman energies induced by the vast mineral wealth of the West, which first appeared in the discovery of gold in California; but Utah has passed through the regular stages of social growth which reminds one of the old fashioned style of the founding of New England, notwithstanding that Utah is second to none in her mineral resources.

Here, in this Mormon Territory, we have had the agricultural period as well defined as it was in the Eastern Hemisphere four thousand years ago—when the

race kept sheep and tilled the land, while empire was being rocked in her cradle. True, the settlers of these valleys emigrated from the manufacturing nations. The majority of those who peopled Utah during the first decade were, as we have seen, from Great Britain; and there were far more gathered from the manufacturing centres of England and Scotland and the mining district of Wales than from the agricultural counties.

In grading the settlers of Utah, we should, therefore, consider them chiefly as a manufacturing people; but who, after they came to these valleys, were greatly thrown out of the familiar spheres of their lives. Speaking of the emigrants from Great Britain, they were, as a class, skillful artizans, apprenticed mechanics and colonies of manufacturers which the Mormon Church every season poured into the Territory. Arriving here, they soon lost their original character in consequence of the necessities of the country and the strict methods through which the Mormons have built up their cities and settlements. Devoting their lives and industries toward general results as a community, the emigrants were directed by the bishops over the whole extent of country mapped out by the authorities to be subdued by Mormon industry and enterprise. Thus, a people originally artizans and manufacturers, became agricultural in their pursuits of life; and it was not until the last decade, under the new era and development of the railroads and mines, that they resumed their original activities.

The fact is, Utah was necessarily founded upon an agricultural basis. The very life necessities of the Mormons as a community, and their isolated condition —so far removed from the centres of our national industries and commerce—for a time unduly balanced them on the agricultural side.

During the early period, it was in vain to urge the people into home manufactures—though it was certainly judicious in their leaders to so counsel them, for the ultimate prosperity of the community was in that direction. They had not the facilities for home manufactures, nor even the raw material; while the idea of competition with States' goods was simply preposterous—and yet there were in Utah all the skilled laborers who could have produced those goods. The case simply was that Utah had not properly reached her manufacturing period; and it was beyond even the power of wise and vigorous leaders to place the country prematurely on a manufacturing basis, or more strictly stated, beyond their power to build up trade and commerce excepting according to their own laws. A fresh opening of a season's stock of States' goods by our merchants, for instance, was quite sufficient to kill a whole year's preaching on home manufactures.

In reviewing the industrial history of our city it may be observed as a singular feature, that nearly all labor, building and mechanic's business commenced on the Public Works, under Daniel H. Wells, the superintendent, and the means for the employment of labor, not only directly on those Public Works, but also indirectly in the building up of the homes of the citizens, came through the business management of the Trustee-in-Trust of the Church and his agents, the bishops.

The first development of the city was the Old Fort, with its log cabins and adobe huts and its school and meeting house. Next the settlers moved out upon their city lots to build their city proper. Saw and grist mills were erected for President Young, known as the Chase mills, located in what is now called Liberty

Rich'd B. Magee

Park, the remains of which are still standing. In rapid succession the several canyons were opened and other saw mills erected in City Creek, Neff's Canyon, Mill Creek and the two Cottonwoods. About this time the Public Works, on Temple Block, were started under the direction of the First Presidency, with Daniel H. Wells, superintendent. Here nearly all the emigrants were employed during the first year of their arrival, or at least so long as they needed such employment. Until they were enabled to mark out a line of business or enterprise for themselves; the Public Works were open to the industrial classes.

On Temple Block there were soon established a carpenters' shop, a large blacksmith shop and a machine shop, where they manufactured mill and other machinery, a paint shop, etc. The carpenters and builders were under the foremanship of Miles Romney, father of the well known and influential master builder, George Romney. Thomas Tanner was the foreman of the blacksmiths' shop; Captain Pitt of the painters, and "old man Derrick" of the machine shop.

In 1850, the men in the blacksmith shop were Phil Margetts, of local celebrity as "our favorite comedian;" Jonathan Pugmire and Henry Margetts. Afterwards came in —— Hamilton and Thomas Cartwright. In 1851, Richard B. Margetts worked there for a short time. A Brother Cook was the horseshoer of the shop.

The first casting that was done in Utah was done in this shop, under the supervision of John Kay, Phil. Margetts and ——Hamilton: Kay was the pattern-maker. The casting was a large spur wheel, for President Young's mill, to supply one broken. It was cast out of old hub cast iron boxes. They melted the ore on a blacksmith's forge, in what they called a pocket furnace. Their furnace invented for the occasion, they made by hollowing out below the tool iron, filling in with sand, then placing layer after layer of charcoal and cast iron: they used an old Pennsylvania wagon skein as a spout to carry the molton iron into the ladle, which was made of old fashioned wagon hub bands.

And so in the other departments of the public works, there were combinations of mechanics some of whom had worked in the best shops in Great Britain, and who in the history of our city since that day have become quite historical men. It was on the public works that many of our citizens got their start in life, and while there they have built themselves homes with tithing office pay, or by the turns which the hands have been enabled to make with their fellows or by the managing men of the works. Hundreds of families in this city have obtained homes, without as much as seeing a dollar in their hands in a year, who to-day with a gold circulation in our city never could have obtained a home.

Among the representative men of Salt Lake City who in the early days were associated with the Public Works was John Sharp, ofte spoken of as the Mormon "railroad bishop." He was born in the Devon Ironworks, Scotland, November 8th, 1820, and was sent into a coalpit to work when but eight years of age.

In 1847, Mormonism found him in Clackmannanshire, still engaged as a coal ainer. The Mormon gospel was brought to this quarter by William Gibson, one of the first Scotch elders sent out,—a man who obtained notoriety in the British mission as an orator and an able disputant. This elder converted the Sharp brothers (there were three of them) to the faith, and in 1848, they left Scotland

for America. They landed in New Orleans, came up the Mississippi to St. Louis, where they lived until the spring of 1850, and then took up their line of march for Salt Lake City.

The date of his arrival, August 28th, 1850, makes John Sharp one of the earlier settlers of Utah, and the sphere that he has filled so many years, properly classes him among the "founders." He first went to work in the Church quarry, getting out stone for the Old Tabernacle and Tithing Office, and next was made the superintendent of the quarry. Under his direction the stone for the Public Works, the foundation of the Temple, and the massive wall around the Temple block, was gotten out; and it must be understood that the quarrying and hauling of those huge blocks of granite was no indifferent undertaking. The sandstone quarry was in Red Butte Canyon and the Church quarry is eighteen miles from the city, and the rock, of course, had to be hauled by oxen, and the men employed directly or indirectly on tithing account. The numerous difficulties which the superintendents of the Church works have had to grapple with in raising teams upon the tithing offerings, the employment of regular hands and the finding of means generally to carry on the public works, are not easily imagined, unless one can fancy what the national income would mean if paid in flour, molasses, potatoes, squashes, and the like, and distributed afterwards for the national service.

In the spring of 1851, Alderman Raleigh was called upon and appointed by President Young to take charge of and carry on the mason department of the Public Works, which he continued to do until those works were suspended during the Buchanan war and the "move south."

It is not possible to deal with the industries and enterprises of our city and Territory, without introducing occasionally a biographical passage of the men who have developed those enterprises and worn out their lives in the industrial activities, which have converted our once desert and isolated valleys into important commercial cities. Nor need the author apologize for biographically introducing the class of men who form the subjects of this chapter considering that in the settling and growth of a new country, the men who struck the first blows of hard work and enterprise are truly historical personages. The men who founded our cities; the men who built the first houses; the men who used the first plows and the men who made them; the men who made the first leather and shoes, built the cloth factories and wove the cloth; the men who gave birth to Utah commerce, opened her mines and built her railroads; these and their class generally are Utah's real representative men with whom the historian will mostly deal in the local record of our Territory and its resources. It was they who gave impulses to the country. It was they who created society where, before they came, no society existed. It was they who laid the foundations of our western cities, with their own hands, and made the country habitable for the millions. It was they, in fact, who established the West and gave to it its life and its mighty energies, which in the short period of thirty-eight years, has made it the rival of the East. These are the true representative men of the West and they are the most worthy of historical record.

But we have in this biographical series to treat of those who have promoted and

developed the manufacturing industries of our Territory. Their importance in the history of Utah has never yet been sufficiently emphasized. It is only now, indeed, that we are beginning to appreciate their real value and mission. The farmers were from the beginning like the landed aristocracy of the country. Utah belonged to them; while the merchant on his part held the "money bags," but the manufacturers had no dispensation, nor to this day have capitalists come to their help, excepting in the shoe manufacturing establishment of Z. C. M. I. Principally the capital that has been invested in manufactures has been by the industrial classes themselves, and which they have earned by hard work and constant struggles. Indeed, it is due to these men, of whom we are here treating, that our home manufacturing industries have assumed anything like the importance needful for the employment of an English and an American people.

The late Mr. R. B. Margetts, whose steel plate accompanies this chapter, is very suggestive of the subject. There is a record of hard work and enterprise stamped on his countenance. For over a quarter of a century he was identified with this country and some of its first industries were wrought by his hands. The following is a brief biographical sketch of the man:

Richard Bishop Margetts was born at Woodstock, Oxfordshire, England, on the first of February, 1823. He left Woodstock, when he was six years of age and lived in and around London for seven years. He left school when he was thirteen years old to learn the trade of a blacksmith, so that he had not a very liberal scholastic education; but was fitted by his early training for the hard work of a new country. He learned his trade under his father on several of the railroads in England, the last place where he worked being Watford, on the London and Northwestern Railway.

Mr. Margetts, with his brothers, joined the Mormon Church, and they have all made considerable mark in life. Mr. Thomas Margetts, over a quarter of a century ago, was famous as one of the ablest of the British elders.

Mr. Philip Margetts is also quite an historical character in Utah. He is associated in the whole of our theatrical history as one of its principal characters, and is an old public favorite of the stage. We shall meet him in due time in our theatrical history.

Richard B. Margetts left England to emigrate to Utah in January, 1850, and after a voyage of nine weeks arrived in St. Louis. During the summer of 1850 he suffered severely from sickness; which caused him to bind himself, under oath, that he would not spend another summer in St. Louis, but would go through to Salt Lake Valley or die in the attempt.

On the 10th of March, 1851, Mr. Richard Margetts left St. Louis, taking his wagon, which he made for the trip across the Plains. We cannot here follow him through all the vicissitudes of his journey, but will note his arrival in Salt Lake City on the 28th of September, 1851, he having been six months and two weeks on the journey from St. Louis to this place. His narrative continues, and is strikingly illustrative of the development of the industries of our city. He says:

"I rested a few days, and October 10th I commenced business as blacksmithing in a rented shop, and must say the change from a locomotive and machine

shop to that of a jobbing blacksmith was both strange and funny; particularly so as the first job that came in was a horse to be shod and I had to go to work alone and make the nails out of an old iron chain and the shoes from the iron off an ox yoke, and then take beef for pay. I did the job, and that satisfactorily, although it took me a long time and I got rather nervous when the man asked me who taught me to shoe a horse. After telling him hastily that it was none of his business, I learned, to my chagrin, that he was going to give me credit for doing the work so well. I soon got acquainted with the requirements of the country, however, and turned my attention to the manufacture of mill irons; and although there was nothing but the iron off old wagons to use, I made some very heavy mill irons, and enough to start thirteen grist and saw mills in a short time. I turned my attention to anything and everything that came along. During the emigration to California, I was very busy working for the emigrants; and when the overland stages were running through the city, I, in connection with my brothers, Henry and Phillip, did the work for that company for several years.

"About the year '55, I saw that something was required for the purpose of expressing the juice of the cane for molasses, as the farmers were raising considerable cane and there were none but wood rollers in use. I planned and made up the first cane mill. It took the prize at the fair, the whole machine being made of wagon tires. This led to the manufacture of a great many of those machines, which could be set to horse or water power and did good work for several years until foundries were started that could make cast iron rollers much cheaper. The making of those wrought iron machines was followed by the raising of large quantities of cane or sorghum, and proved to be a great benefit to the Territory. About the year '63, a little circumstance occurred which proved to be a turning point in my business. I wanted to get the patronage of a gentleman who was then running a tannery, and at the same time I wanted to get a pair of boots for one of my men. I asked the gentleman of the tannery, as a favor, to let me have a pair of boots and I would give pay in blacksmithing; but he blankly refused. This rather nettled me, and that same day I made up my mind to start a tannery myself; and in less than two months I had vats in place and commenced to work in hides; and in a very short time had the building in good shape and the business in a very satisfactory condition. I now found it necessary that I should withdraw from blacksmithing and turn my whole means and attention to the tanning business, and found it also necessary to add to the same the manufacture of leather belting—a great want of that article being experienced throughout the Territory. The whole business was very successful till near the approach of the railroad, when I found out that leather could be imported cheaper than it could be made here on account of the scarcity of tanning material. In '71, I concluded to gradually work out of the tanning business, and to establish a brewery on the premises."

We may now follow for awhile the leather and shoe trade. It is put first in the manufacturing series, because the shoe trade is the most primitive branch of the manufacturing industries—employing more laborers than any other branch until we reach the period of cloth and cotton factories. Moreover, the shoe fac-

Philip Pugsley.

tory, attached to Z. C. M. I., is Salt Lake's manufacturing monument, as the Provo Wo.len Factory is to City of Provo.

Samuel Mulliner was the father of our Salt Lake tanners. He manufactured the first leather—a calf skin—which was exhibited at a general conference, before he went on a mission to Scotland from Utah in 1850.

Mulliner's tannery was where Walker Brothers' business block and banking house now stand. Ira Ames and Alexander Brim were the next to start tanneries in the city. Brim's was in the First Ward; Ames', afterwards known as Pugsley's tannery, was near the Warm Springs.

Among the men who have been foremost in developing the industries of Utah is Mr. Philip Pugsley. Claiming simply the rank of one of the hard-workers of the country and promoters of our local enterprises, he has won a legitimate place in the history of our Territory. He was first known among our early leather manufacturers; at a later date Pugsley & Randall built and successfully ran the Ogden Woolen Factory; still more recently he engaged in the iron and coal industries, and, indeed, there is scarcely a home enterprise with which the name of Philip Pugsley has not been identified.

Philip Pugsley was born in Somersetshire, England; and ranks as a Mormon emigrant. In his youth he was engaged in the raising and shipping of stock and was afterwards in charge of a large brewery at Bristol, at which city he learned the process of the japanning of leather; this was his start in the leather business in which he did so much after his emigration to Utah. He left England in 1853, emigrating in the famous £10 companies sent to this country by the Apostle Franklin D. Richards—His company, under the command of Captain Jacob Gates, arrived in Salt Lake City on the last day of September. Pugsley's family at the time consisted of his wife and eldest son, Joseph, who is now "boss" of the Salt Lake Soap Works. Sister Pugsley was sick and the family possessed not so much as a cent of money. The first thing to be done on their arrival was to get something to eat, so Brother Philip went to seek employment down at Brother Ira Ames', who was just starting in the tanning business. At this juncture Ames' son, Clark, was called to go on a mission in April with Parley P. Pratt to South America; Pugsley was engaged to take his place in the leather manufactory. Isaac Young and Pugsley ran the tannery for Ames for a year; and, at the death of Isaac Young, he ran it himself on shares with Ames, continuing up to the time of the move South. He also ran Golding & Raleigh's tannery on shares. The employers furnished the means and he the labor, for one third of the leather.

Those were the days that tried men's souls and the courage and self-sacrifice of the women not less. Pugsley and his wife shared with the early settlers of Utah the poverty of those times. The first winter after their arrival was very severe, and work was stopped. Brother Philip now brought his tools into requisition, in making chairs, tables and other things for household use. The family lived in a tent for several months, until very deep snow fell, when they got into an old house, which appeared ready to tumble down about their ears. Money and provisions were very scarce; obtaining a few beets the wife boiled them down in a bake-skillet, pressed the juice out and then boiled it down into molasses.

The first "two-bits" that he got in money was for a piece of leather. With

this he bought a shin of beef, and his wife boiled it every day for two weeks, until broth could no longer be extracted from the bones.

It is only by the narration of such personal experiences, that the reader of to-day is enabled to realize the privations which the early settlers of this Territory had to endure, for the experience of one is the story of the whole, with merely some variety, and the example of a case is suggestive of a thousand-and-one needs of the community when a bushel of wheat was worth its weight in silver.

When the spring opened, and the tanners got out a little leather, times grew better with Pugsley and his family, for leather and shoes, being among the most essential needs of a community, those articles, more readily than any others, commanded the limited supplies of the country in those times. The women could even do without their tea and sugar, the men without their tobacco, but shoes to the workers who plowed the land and went into the canyons to haul wood, for building purposes and for fuel, were nearly as needful as the "staff of life." Philip Pugsley "kept pitching in," to use his own homely but suggestive word-painting of the hard work and constant struggle of those days, when all our self-made men were "pitching in" to get their own start in life, found cities and settlements in the Great American Desert, and to establish the many industries of the Territory of which we now can boast. As we have already said, Pugsley was among the foremost of these industrial men, and the branch of business in which he engaged was the earliest of our manufacturing activities. He made some means in the leather trade, which was the basis of the capital which he has since controlled and invested in other branches of enterprise, as fast as they developed.

In the spring of 1858, his folks were with the community in their "move south," but Captain Pugsley was left with the detail to guard the city, he belonging to the police force. Sometimes there was only himself in the city. But he kept the tannery going notwithstanding, working by day and guarding by night. Nathaniel Jones and James W. Cummings at that time owned the Fifteenth Ward tannery, but being principal officers in the militia they were out with their respective commands; so they sent down their unfinished leather to Pugsley—700 large kips and calf skins, and 500 sides of harness and sole leather.

The exodus of the people South had suspended the planting of crops, but there was a great deal of self-sown grain in the fields near the city, which promised a fair harvest. Much of this was in danger of being destroyed by the camping of the companies on their way back to the northern settlements, but Captain Pugsley was appointed by Marshal Jesse C. Little to station himself on the State Road from Gordon's to Salt Lake City, to prevent the companies from camping within that boundary; and this guard duty being effectually performed, the self-sown wheat was saved and good crops were cut at harvest.

On the return of the people to their homes, Ira Ames concluded not to start his tannery again. It was just at this time that Cache Valley attracted so much attention, and the community having been disturbed by the exodus, multitudes poured into Cache Valley and founded the cities which now constitute Cache County; and with these settlers of the north went Ira Ames, who sold his tannery and bark to Philip Pugsley. Nobody had peeled bark that season, and Pugsley had now the only bark in the city; so he sold bark to re start the other tanneries

—Mr. Wm. Jennings' and also that of Golding & Raleigh—and thus was renewed the home manufactory of leather. He now left the police service, and attended altogether to the manufacturing business, and from that time Philip Pugsley has been one of the foremost in nearly all of our home manufacturing enterprises.

William Jennings and John R. Winder, in partnership, started in the leather business in 1855. Their place of business at that time was adjoining the property where the Walker House now stands, and behind Mr. Jennings' old residence. They associated with their tannery the harness and boot and shoe branches and also a butcher shop. Just before the "move south," they built the Octagon House on the corner where the Eagle Emporium now stands, and continued business there for awhile in partnership. After the move Brigham Young, Feramorz Little and John R. Winder started a tannery on Canyon Creek, John R. Winder being the practical partner of the firm and manager of the business. Brigham Young also established a shoe shop on his own premises, inside the wall near his family school house. This shoe shop will be well remembered. He employed about a dozen hands in this shop and they made boots and shoes for his family and numerous employees. He also had a butcher's shop, saddle and harness maker's, carpenter's, large blacksmith's shop, which is still alive and busy under another management, a lumber yard and a store well supplied with States' goods. Undoubtedly Brigham Young was, in those days, the largest employer of laborers, mechanics, business managers and clerks in the Territory, and all his establishments were for his own people and employees, and not for trade with the public. Hiram B. Clawson was his general business manager; George W. Thatcher, of railroad fame, as superintendent of the Utah Northern, was his commissary, and the present apostle, George Teasdale, commenced his life in Utah as the President's store-keeper. In fine Brigham Young was the great patron and promoter of home manufactures and home industries, and he took a special pride in the employment of numerous hands. In one of his sermons, delivered about a quarter of a century ago, he made this characteristic utterance: "I have grown rich by feeding and employing the poor." He scarcely ever turned an applicant for labor away unemployed. In some department he made room for the applicant or else he created a place for him. He also employed female hands, such as shoe binders. His hands were better paid in kind and with larger wages than any others in Salt Lake City, or indeed in the Territory. Hundreds of our citizens have obtained their lots, their houses and their supplies for years in the employment of President Young. He also, through his agents, brought on a vast amount of machinery to engage in and to encourage home manufactures and home enterprises in general. On this head Horace S. Eldredge speaking of his mission to the States in the spring of 1863, says:

"Having been called upon to go again to New York to superintend the emigration, I left by overland stage in company with F. Little and L. S. Hills—the two latter to remain at Florence on the frontiers to attend to the outfitting, and I proceeded to New York to attend to forwarding the immigrants from that point to Florence. Having some means of my own, I invested between $8,000 and $10,000 in machinery for a cotton factory, which was got up under contract by Messrs. Danforth & Co., of Patterson, New Jersey, with the understanding that

President Brigham Young would have the same freighted to Salt Lake City and erect buildings for them.

"While in New York, I was induced to purchase some small lots of staple goods which I considered would meet a ready sale on their arrival. I therefore invested a few thousand dollars, and on arriving home found that my friend Hooper had been doing the same as a similar adventure. On comparing invoices we found we had a very fair assortment, and including what I had in store of my original stock, would justify us in opening a retail store which would give us employment during the approaching winter.

"Having a very fair line of staple goods, we had a successful trade and realized fair returns for our investment. In the meantime, W. H. Hooper had invested between twelve and fifteen thousand dollars in woolen machinery for the sake of encouraging home manufacture, and President Brigham Young proposed purchasing our interests in the cotton and woolen machinery and to pay us in freighting merchandise from the Missouri River the coming season. This arrangement was entered into, and in the spring of 1864, we proceeded to New York and other Eastern cities and purchased our goods, amounting to over one hundred and fifty thousand dollars first cost, the freight on the same amounting to over eighty thousand dollars."

Nathaniel V. Jones and James W. Cummings in the early days were also engaged in the leather trade. Their tannery was in the Fifteenth Ward. It was started by the merchant Hockaday, the partner of the mail contractor Magraw, who figured prominently in bringing on the Utah war. Howard, the distiller, and H. E. Bowring, saddle and harness maker, were very extensively engaged in the leather trade under the firm name of Howard & Bowring. Howard's tannery was the original Mulliner tannery. They soon, however, divided partnership, but each continued largely in the business. They were located near together on the Main Street, occupying the quarter in which the leather business started, but Bowring purchased the tannery of Jones & Cummings in the Fifteenth Ward, while Howard continued in the Mulliner establishment, the various branches of his business being conducted by his son-in-law, Isaac Brockbank. They manufactured quite a quantity of boots and shoes, and carried on a busy saddler's shop. But undoubtedly William Jennings was the greatest of the Salt Lake home manufacturers. His large tannery near the Court House was the most conspicuous manufacturing establishment in the city. President Young had a woolen factory in Sugar House Ward. This factory is now owned and run by Jennings & Sons. But the Provo Woolen Mills have, up to present date, made the broadest mark in the cloth line, and the company established a house in Salt Lake City for the sale of its goods. It was at first under the charge of Eliza R. Snow, with her lady assistants; but it was afterwards placed under the management of John C. Cutler, a young man of energy and much business capacity, who, with his brothers, brought the concern to a decided success, to the great help of the Provo Woolen Mills. It being thus closely related to the home manufacturing trade of our city a passage of its history may be properly quoted from the author's "History of Provo."

It was a leading policy with the men who founded the colonies of Utah to establish those branches of home manufactures most needed in the settlement of a

new country; but the progress of our home manufactures in the early period was necessarily very slow.

For nearly a quarter of a century supplies had to be hauled a thousand miles or further in wagons; and it was, therefore, almost impossible to transmit the machinery requisite for the construction of the factories requiring heavy metal appurtenances. We had to content ourselves with the simplest forms of machines, and consequently the home made goods hardly bore comparison with the imported. Clothing, boots, shoes, and other goods made here were homely indeed. The advent of the transcontinental railroad made it possible to procure engines, machinery, etc., with which to furnish work shops. Yet, when the railroad laid at our doors all manner of clothing and other luxuries of civilization at low prices, the very desire to support home manufacturers was decreased rather than increased. But the Provo woolen factory, which was started soon after the completion of the railroad, restored confidence to our home manufacturing industries. Indeed, it will be marked in the history of this Territory that it was the Provo Woolen Mills that brought Utah manufactures from a primitive condition to a commercial status, placing our home made fabrics on the market side by side with imported goods, competing with them in quality and price, which was necessary to be done before home manufactures could possibly become a decided success.

Next to the Provo Woolen Mills came the Salt Lake Shoe Factory of Zion's Co-operative Mercantile Institution, which, like the Woolen Mills, employs numerous hands, and is conducted upon the modern manufacturing system. The Provo Factory, being the most conspicuous industrial building in our Territory, turning out fine fabrics which were fully equal to the imported, was undoubtedly an example to the capitalists of Z. C. M. I. of what could be done in a sister branch of manufactures, while the success of the Provo Woolen Factory and the Salt Lake Shoe Factory has induced Z C. M. I. to handle their goods in preference to the imported, and that, too, upon a sound commercial basis, rather than as a mere patron of favored establishments of home industries. Thus considered, the Provo Woolen Mills will stand as the first monument in the manufacing history of our Territory.

June 1st, 1869, a company, known as the Timpanogos Manufacturing Company was organized with a capital of $1,000,000, in 10,000 shares of $100 each. The mill site was bought of the Hon. John Taylor, and, as soon as the company had matured its preliminary business, the ground was broken. The following is a note from the diary of Secretary L. John Nuttall:

"Saturday, May 28, 1870. The southeast corner stone of the Provo Co-operative Woolen Factory was laid at half-past nine o'clock A. M. by President A. O. Smoot. Upon the stone being laid, President Smoot offered prayer, after which Bishops E. F. Sheets, Myron Tanner, and Andrew H. Scott, and Elder Thomas Allman made appropriate remarks.

"President Smoot prophesied that this corner stone shall remain steadfast and sure."

The "Provo Woolen Factory" was established very much after the same pattern and with the same spirit as that of Z. C. M. I. itself; the one representing the mercantile institutions of Zion, the other her manufacturing institutions.

The erection of the buildings was under the management of Mayor A. O. Smoot, and were finished in the spring of 1872. From the breaking of the ground the work progressed with vigor, and skilled workmen came from all parts of the Territory to assist in building a factory which was designed for the employment of hundreds of hands and to earn for the Territory millions of dollars by home industries. The buildings were erected at a cost of $155,000; and the men, as a rule, who did the work and furnished the material, took stock for their labor. Associated with President Smoot in the construction of these works was Bishop A. H. Scott, who rendered most efficient service.

For the purchase of suitable machinery, President Young advanced over $70,000 in cash, and F. X. Loughery of Philadelphia was engaged to put the machinery in place and start it.

In 1872 The Timpanogos Manufacturing Company was incorporated, with the following officers:

Brigham Young, president; A. O. Smoot, vice-president; Myron Tanner, Wm. Bringhurst, O. Simons, Jos. S. Tanner, A. H. Scott, directors; H. A. Dixon, secretary, L. J. Nuttall, treasurer.

In October, 1872, the cards and mules started, and yarn was spun and marketed; but it was not till June 1st, 1873, that cloth was manufactured. Secretary Nuttall notes in his diary: "Oct. 4th, the first wool was carded at the Provo Woolen Factory to-day."

Owing to some defect in the constitution, the Timpanogos Company was dissolved on the 13th of October, 1873, and on the 15th of the same month the Provo Manufacturing Company was incorporated with a capital of $500,000 in 5,000 shares of $100 each. Officers remained the same as before, excepting that Myron Tanner was appointed superintendent in the place of A. O. Smoot. The reason of this reorganization is thus explained: When the Timpanogos company was organized, there was no Territorial statute authorizing the organization of co-operative institutions, but in 1870 the Legislature of Utah passed a general incorporation act, under which this company was reorganized, with the name of the Provo Manufacturing Company.

The stock was issued and bonds given to the stockholders to the amount of $200,000, insuring them ten per cent. per annum. As the bonds were held by the stockholders, and it being of little benefit to the institution, it was deemed advisable, in the year 1878, to recall them—nineteen-twentieths being considered sufficient to accomplish the retirement of the bonds. At the present writing the bonds are all retired. This is an evidence of the interest which the stockholders have taken in this branch of Utah manufacturing industries, when they were willing to sacrifice a certainty—as these bonds drew ten per cent. annually—and take their chances upon dividends that might accrue from the stock. It is something unprecedented in the history of any business corporation.

For some time after the cloth was put upon the market the Provo goods did not meet the encouragement deserved. They were excellent in quality so far as durability was concerned, but lacked the finish of the imported article. This, together with the prejudice manifested against home manufacturers generally, for a time retarded the progress of the factory; but with the improved facilities of to-

day, and its operatives brought to first class proficiency, the Provo fabrics will now compete with the same class of imported goods.

Myron Tanner was the first superintendent of the manufacturing department, with efficient foremen. Under his superintendence the first cloth was made and put upon the market. He served to the general satisfaction of the company till the fall of 1874, at which time he was succeeded by Mr. James Dunn, under whose efficient management and under the direction of the board of directors, the Provo Factory has reached a first class working status and achieved a reasonable success generally. The Factory was run under the able management of Mr. Dunn until May, 1884, when he resigned for the purpose of going into business for himself.

By the action of the board of directors Mr. Reed Smoot was appointed to succeed Mr. Dunn as superintendent, Mr. Smoot having been more or less familiar with the inside working of the Factory from the time that F. X. Loughery was foreman.

In the year 1876 the Factory commenced to buy wool and also to ship it east. The wool business has been reasonably successful.

When the company entered into this wool trade it involved the necessity of borrowing from twenty to fifty thousand dollars, for which loan the Deseret National Bank required President A. O. Smoot, who has been the financial backbone of the institution from the beginning, to give his personal security.

In 1877, the company established an agency in Salt Lake City, with John C. Cutler as agent of the commission house.

In 1881, a retail store for the sale of merchandise and woolen fabrics was started in Provo, under the management of the superintendent of the Factory.

The dimensions of the main building are 145 x 65 feet. It is a four-story rock building, with a half mansard roof, covered with tin roofing. It has a projecting stairway, surmounted by a tower 30 feet above the roof. The upper story is used for the storing and preparing of the wool for the cards. On the floor below there are eight sets of cards and one hand mule of 240 spindles, two reels and two spoolers. The next floor below is the spinning room, containing four self-acting mules, of 720 spindles each. The ground floor contains 19 broad looms and 38 narrow looms, 2 wrappers and dressers, 1 shawl fringer, 1 quilling frame and 1 beamer, and a machine for a double and twist stocking yarn of 62 spindles. The finishing house is built of adobe, 70 x 30 feet, two and a half stories high. On the first floor are three washers, three frillers, two large screw presses, two gigs, one cloth measure, and one hard waste picker.

The factory is run by water power, with two Leffel turbine wheels, one 36 and the other 44 inches. The factory has a rotary pump, which is in operation.

Immediately south of the main building is situated a two-and-a-half story adobe building, 33 x 134 feet. The upper room is used for the receiving and assorting of wool, and the lower story for an office, salesroom, carpenter shop and drying room. Attached to this building, on the east side, is a one-story frame house, 30 x 60 feet, which is used for the dye-house and wool-scouring.

Connected with the Factory was quite a large flouring mill, but it was burned down in the spring of 1879, involving a loss of $10,000.

The Factory employs on an average from 125 to 150 operatives, who were mostly trained in the large manufactories of England and Scotland.

The company finds a market for their goods in every town and village of Utah, besides exporting some into Montana, Idaho and Colorado. Among its complete variety of goods, it manufactures about three thousand pairs of blankets per year, which will compete with the same class of goods manufactured either east or west. The amount of goods manufactured per annum is about $150,000 J. C. Cutler, as agent, sold from $100,000 to $120,000 per annum. The wool purchases amount to about one million pounds, out of which the Factory manufactures between three and four hundred thousand pounds. The company has done a great deal of wholesale trade.

We return to the boot and shoe trade as culminating in the factory started by Z. C. M. I., under the management of that practical and able manufacturer, Wm. H. Rowe.

These already given of the causes of the slow progress of manufactures in Utah, combined with a lack of capital, are a few reasons why manufacturing has languished in Utah; but a new era seems now to have dawned upon us. Political and domestic economy requires the people of the Territory to seriously contemplate the fact that it is financially suicidal to continue importing nearly everything required for use or consumption. No argument is needed to sustain this statement, every person of ordinary intelligence being able readily to comprehend it. We are pleased to note, however, indications that ere long there will be many branches of manufacture established throughout the Territory, providing employment to the hundreds of skilled artisans who are gathered here, and to the thousands of young people who are rapidly growing up and anxiously seeking for opportunities to acquire a knowledge of useful trades. Already there are a few branches assuming substantial proportions, one of the most noticeable being the Shoe Factory of Zion's Co-operative Mercantile Institution. This factory is the outgrowth of many efforts which had been made to establish a permanent business in manufacturing boots and shoes, extending back fifteen years or more. It was apparent to shoemakers and practical men generally, that a business of that character ought to be successful; people cannot conveniently go barefoot, and as the roads in the west are exceedingly rough, and the avocations of its citizens laborious, the number of pairs of boots and shoes required by them exceeds the average of other countries; therefore, they reasoned, if any branch of manufacture could be made to pay in Utah the boot and shoe trade was the most likely to succeed.

But the results of their trials generally terminated unsatisfactorily. Leather was seldom allowed to remain long enough in the vats to get thoroughly tanned, and then it was hurried so quickly through the process of currying, finishing and making into shoes, that when worn it frequently proved to be lacking in many essential qualities. The term "valley-tan" soon became, and is now, rather a derogatory expression, applied indiscriminately to any rough home-made article, including whisky. In addition to the frequently poor quality of leather they had to contend with, master shoemakers had to pay high prices for the manufacture of boots and shoes, the goods having to be made in the old fashioned manner,

on the lap, compelling them to charge much higher prices than those for which imported articles could be purchased. Latterly, after some machinery was introduced for the effort of competing with prices of imported goods, there were the difficulties to encounter of not having experienced men to manipulate the machinery, or to organize and operate factories on modern methods. It was not until Mr. W. H. Rowe, the efficient manager of Z. C. M. I. Shoe Factory, took hold of the business that any thoroughly satisfactory head way was made in the wholesale manufacture of boots and shoes to compete with the imported; although great credit is due to the employees of the Workingmen's Co-operative Association for having, in 1876, by instigation of Mr. D. M. McAllister, voluntarily initiated a revolution in rates of wages, which demonstrated a possibility of manufacturing for wholesale trade. The association alluded to was organized, in March, 1874, by about twenty-five shoe makers, assisted by a few friends, who made a heroic attempt to create employment for themselves and others; but, unfortunately their capital was too small for the purpose, and, although they were sustained by the public, it became evident, after two years' struggle, that they were fighting against fate. At this juncture of affairs, Mr. D. M. McAllister was appointed superintendent, and he succeeded in keeping the business alive for another year, saving it from bankruptcy.

In March, 1877, Mr. Wm. H. Rowe purchased the business of the Workingmen's Co-op., and at once proceeded to lay the foundation of what is to-day the largest manufacturing enterprise in Utah. In addition to the fact that Mr. Rowe must hereafter be recognized as a pioneer amongst the successful manufacturers in this Territory, his natural ability, and the substantial character of the work he has done for the benefit of the laboring classes and for the community, demands that he should receive more than a passing notice, and we therefore insert a short biographical sketch of his life.

Mr. Wm. H. Rowe was born at Portsmouth, England, February 14th, 1841. At the early age of eleven years he commenced to learn the shoe trade, working, under the instruction of his father, at bottoming childs' shoes, ladies' welts, and pumps, continuing on those classes of work until he was fifteen years of age. He afterwards spent two years at cutting uppers, in an army custom-work firm at Portsea. From the latter place he went to London and obtained a position as foreman in the cutting department of an exporting shoe factory, that of Messrs. A. & W. Flauto, Leadenhall St.; remaining there three years. He next became associated with M. & S. Solomon & Co. of Tuillerie St., Hackney Road, London, and he continued with them eleven years, until he emigrated to Utah. When he commenced business with Messrs. Solomon they had but three cutters at work. The senior members of the firm being unacquainted with the routine of factory work, the management of the hands, therefore, rested entirely upon Mr. Rowe, whose assiduity and energy was the principal means of increasing the business, until, just previous to his retirement, they had thirty-eight cutters employed, and manufactured a daily average of fifteen hundred pairs of fine shoes and slippers. In this labor he was principally assisted by his wife, who had charge of a large number of young women, employed at fitting and machining the uppers, Mrs. Rowe being herself an experienced and exceedingly expert machinist.

The thoroughly practical experience obtained by Mr. Rowe, as shown in the foregoing outline, gives the key to the reasons why it was possible for him to succeed where others had not, and also indicates plainly to all intending manufacturers that the first step taken by them should be to secure foremen who have been similarly trained in their respective trades.

Mr. Rowe arrived in Salt Lake City with his family in the summer of 1873, and soon thereafter accepted a position in the shoe and leather department of Z. C. M. I. His unmistakable practical business qualities were quickly observed, and he was in a short time advanced to the leading position in that department. Possessing an unusually agreeable and genial disposition, he excelled as a salesman, and the branch of business in his charge speedily grew into the largest of that line in this city or Territory. He occupied this position for nearly four years, but he was not entirely in his element; his education and desire were in the direction of manufacturing, and when the opportunity offered, as before stated, he purchased the business of the Workingmen's Co-op., retained all the hands employed therein, and with characteristic energy, applied himself to the establishment of a model shoe factory, and exclusive boot and shoe trade. Mr. Rowe at once brought into action his thorough knowledge of manufacturing, and adopted the English method of bottoming, using solid iron lasts and brass clinching screws, a mode of fastening admirably adapted to the requirements and the people in this Territory. The result was success. Business grew rapidly, and the number of hands had to be continually increased.

In the fall of 1878, the Deseret Tanning and Manufacturing Association contemplated starting a shoe factory, for the purpose of making up the leather produced in their tannery; but the officers of the association being loth to conflict in any manner with the good then being accomplished by Mr. Rowe, considering that a unity of effort with him would be to the best interests of the community, therefore made propositions which finally resulted in the amalgamation of his business with theirs. Mr. Rowe was appointed superintendent of the organization, resigning his individual enterprise with the hope that the prominent and wealthy men with whom he thus became associated would greatly add to the facilities for manufacturing.

Unity is not merely a pleasing subject for inspiring discourse among the Mormons, it is a living principle which they seek to practice in their moral, social, and business relationships. Being governed by that feeling, and realizing that it would not only prevent a business conflict but also aid in increasing manufacturing, and so benefit society by providing more employment, the directors of Z. C. M. I., who were mostly officers also of the Deseret Tanning and Manufacturing Association, decided that it would be to the best interests of all concerned to merge the business of the latter into Z. C. M. I., which was accordingly done in March, 1879. This movement was a further step in the right direction, because Z. C. M. I., doing the largest boot, shoe and leather trade in the Territory, and with abundant capital at command, is better able than any individual or firm to invest in a manufacturing enterprise of this character, and to find a market for the goods produced. We are assured it is the determination of the officers of the institution to foster and increase this successful branch of their vast business, with

Wm H. Rowe.

the object in view of ultimately making all the boots and shoes they can sell. There are now one hundred and twenty hands employed in the shoe factory, including eighty men, twenty boys, and twenty young women and girls.

When the boot and shoe factory of Z. C. M. I. started, the business of this branch of that house amounted to $400,000 a year, only $70,000 worth of which was of their own make; now over $200,000 of the business of that house in the boot and shoe trade are home made. This, of itself, shows the rapid progress made in the home industries of our city in the last few years since Z.C.M.I. became its active patron and helper. The factory first started on stoga work, but it now manufactures every class of goods, except babies' shoes. This progress has been made by the efficient management of the factory and the education of the employees up to a class of work that completes successfully with the imported goods.

Not only has the factory built up itself, but it has also built up the tanning department connected with the factory, in using the leather for which otherwise it could not have found a market. It should be here mentioned that all the Utah tanneries suspended work and passed out of existence on the advent of the railroads, and this one established by Z. C, M. I. is a revival of the leather-making business. The factory uses up 13,000 sides of leather a year, made at its tannery, which is about equal to the whole tannage of the city in early times. All those hides are from the Salt Lake butchers, which would have to have be sent out of the Territory for a market but for this factory. Here follows a detailed description of Z. C. M. I. Shoe Factory, as given by the secretary of this manufacturing department:

In the cutting room a dozen men and boys are employed. In this room the first part of the manual labor is done. Care, skill and judgment are highly essential qualifications of the workmen in this department, as the materials used in cutting are expensive, and a considerable degree of ingenuity is required to cut the stock to advantage and with the least possible waste. The cost of material and labor in the uppers averages about one-half the value of the finished article. There are nearly one hundred styles of boots and shoes made in the establishment, and the large number of patterns required is surprising. Each shoe upper is made of six or more pieces, and in cutting a set of sizes of ladies' shoes there are frequently upwards of fifty patterns used. Manager Rowe is the designer of the multitude of patterns, which constitute an invaluable adjunct of the business. Nearly all the work in this department is done by hand. There are no two sides of leather, or skins, exactly alike; it is, therefore, hardly possible to use machinery in cutting uppers; a few dies, and some small machines for cutting strips, is all that is used here. We must not omit noticing, however, a remarkable ingenious machine placed in this room for measuring leather. No matter how irregular in form, nor how many holes there may be in the leather, the indicator of the machine will instantly show the precise quantity of surface in the side or skin placed on it. Fully half of the material required for the uppers is imported, but we are pleased to state a large amount is now made at the Z. C. M. I. tannery, and J. W. Summerhays & Co. of this city furnish most of the lining skins and roans that are used.

The uppers, after being cut and stamped with sizes and order numbers, are assorted in what is called "case lots," that is five dozen pairs of shoes or one dozen pairs of boots, and are passed into the fitting room. A work ticket accompanies each case lot, on which is detailed a description of the goods, order No., who for, when wanted, scale of sizes and number of pairs of each size, with lines on which to write the name of each person who does any of the various designated portions of the work. We will here mention that in the making of each pair of boots or shoes, the labor of over thirty persons is represented.

In this room an Otto Silent Gas Engine, of seven horse-power, is located. A peculiarity which every visitor notes in regard to the engine is that it is kept locked up in a glass-enclosed room, and that it has no attendant. It needs no attention except to oil, clean, start or stop it, and can be started or stopped in one minute. There is no boiler, no fire, no smoke; no dust, no noise, no danger connected with it; it feeds itself and consumes no more gas than it needs, is therefore decidedly economical, and is truly one of the wonders of the nineteenth century. This engine runs seventy-five machines belonging to the shoe and clothing factories. The process of making the uppers is commenced by passing the edges of the leather, which have to be sewn, under a revolving knife, which rapidly takes off a shaving and reduces the edge to uniform thickness. The fitters paste the various parts of the uppers in proper position, and otherwise prepare the work for the sewing machine. The operators receive the uppers thus prepared and govern the lively moving sewing machine while it stiches the curved, scolloped or straight seams. A light pressure of the foot suffices to start or stop the sewing machine instantly. The exhausting labor of feet and limbs is no longer necessary, and the engine thus proves a blessed boon to the young lady employees. It is exceedingly interesting to observe the astonishing rapidity of movement and beauty of work done by the machines, intricate designs in stitching being worked with the greatest precision, under the expert guidance of the operators. A button-hole machine that automatically guides itself, making button-holes at the rate of two per minute, with a perfection of stitch unequalled by hand, is one of the most admired of the sewing machines. Several other machines in this room seem, almost, endowed with intelligence, among them being the puncher and eyeleter. This machine punches holes, regulating the distance between, inserts and fastens eyelets with great rapidity and perfect workmanship. The waxed-thread machines are large and strong, being capable of easily sewing through leather a half inch thick, and several of them carry two needles each, for stitching double seams on shoe fronts, etc.

The rooms described, connected with which are the packing department and office, are located in the second story, west end of Jennings' Emporium Buildings. From there we can descend by an elevator to the basement, or sole leather room. A fifteen horse-power steam engine, built at the Salt Lake Iron Works, operates the machines in this and the bottoming departments. Connecting with the south end of the basement is a boiler room, in which there are two twenty horse-power boilers, one furnishes steam for the engine, the other to heat the entire premises.

The hands employed in the Sole Leather Room, cut and prepare the material

required for the bottoms and heels of boots and shoes. The number of pieces thus prepared averages twenty-four to each pair of boots or shoes, and as there is a daily production of about 400 pairs, there are, consequently, nearly 10,000 pieces of leather cut and fitted up every day in this room. The sole leather used is the best quality of California oak tan. The machinery employed includes two sole-cutting presses; a guillotine knife, for cutting strips; a splitter, to reduce the leather to uniform thickness; a heavy roller, through which the rough pieces are passed, under great pressure, making the leather firm and smooth; a moulder. which moulds the soles into the curved form of a last; a powerful heel press, and a variety of smaller machines for trimming, skiving, etc. One of these small machines is an ingenious contrivance for making nail holes. It accurately guages the distance from the edge and between the holes, and punches them with astonishing rapidity. An important, and costly item in this department is the extensive assortment of steel dies required for cutting soles, heel lifts, etc., used in connection with the two sole-cutting presses. On the floor above this is the bottoming room.

The incessant pounding of shoemakers' hammers, whirr of machinery, lively movements of the workmen and array of racks filled with boots and shoes in process of manufacture, combine to make a picture of industry that instinctively calls to mind a hive of busy bees. The method of fastening soles on boots and shoes, adopted in this workshop, is the same as has, for many years, extensively prevailed in England, and is now becoming popular in America; it is called the clinching screw process; unquestionably the best in the world. Solid iron lasts are used; the clinching screws are driven into the soles, with a stout, flat file; the points of the nails turn on the last, after passing through the inner sole, and they are then firmly riveted, or clinched, by blows of a heavy hammer. After the soles and heels are securely fastened on, the boots or shoes having passed through the hands of lasters, nailers and heelers, are then given to the heel breaster, who manipulates a machine which, at one slice, cuts through the six, or more, thicknesses of sole leather comprising the heel and leaves a square breast next to the shank. The heel trimmer next receives the goods. An old fashioned shoemaker, accustomed to spend an hour or more in whittling a pair of boot heels into good shape would almost be inclined to think that the magic art had been introduced in the modern method of heel trimming as done in this establishment; the rapidity with which heels are trimmed, by machine, into the most perfect forms, has the appearance of a slight of hand trick. Although highly interesting to a personal observer, it would be tedious to a reader to follow a detailed description of the many splendid machines used in this department. Each machine is the most perfect that can be obtained. We will simply name them in the order in which they are used. Next to the heel trimmer is the heel filer and scourer, then the edge trimmer; edge setter or burnisher; heel burnisher; sandpapering machine, or buffer, for scouring the soles; following them are the bottom finishing machines, including revolving brushes for applying colors, polishing, etc.; also a machine with heated steel stamps of various designs, for stamping a trade mark on the soles; and an embossing machine for gilding the tops of boots.

From this room the goods are conveyed on the elevator up to the floor where

the packing room is located. The process of cleaning and packing boots and shoes involves more labor than is generally understood. Their attractive appearance, or the reverse, depends greatly on the manipulation of cleaners and packers. All boots are subjected to three or four rubbing and dressing operations, on boot "trees," before they are sufficiently smooth and polished to present to the public, and ordinary leather or calf shoes are similarly treated.

There are competent foremen in each department of the factory, who are specially instructed to permit no poor stock to be used, or imperfect work done on the goods, and their duty is to carefully examine all goods as they pass through the various hands in each room. By this means every pair of boots and shoes is subject to frequent inspection. Damaged or poor goods are laid aside, and only the best are packed for market.

To properly conclude our observations we will now look into the office. In this quiet corner is generally to be found the principal moving power of the whole concern, W. H. Rowe, Esq. He is one of those human electric machines whose business force is felt by all with whom he is associated. The successful working of this factory speaks loudly for his acquaintance with details and managing ability. In addition to supervising the Shoe Factory Mr. Rowe is manager also of the tannery and clothing factory.

The employees of these manufacturing departments of Z. C. M. I. have established, by Mr. Rowe's advice, a mutual aid society, which has proved highly beneficial to them. The members of this society pay a very small sum monthly into a fund from which they receive aid in case of sickness, and they hold meetings frequently for social enjoyment and mental improvement. In all matters connected with the growth of these manufacturing enterprises Mr. Rowe has had efficient aid in the services of Mr. D. M. McAllister, and other faithful employees, men, boys and girls.

That these manufacturing concerns are accomplishing much good is a remark hardly necessary to make; every person can readily comprehend that the large number of people employed are not the only persons benefitted, but that the whole Territory indirectly participates in the advantages. We heartily commend the laudable example of Z. C. M. I. in establishing and fostering these branches of industry, and recommend others, who can, to go and do likewise.

To this may be added something more of detail of the overall and underwear department, under Mr. Rowe's management. The overall department was first started by Mr. Spencer Clawson, while he was with Z. C. M. I.; but when Clawson left to go into business for himself, the department was turned over to manager Rowe, under whose enterprise it has constantly increased. He immediately added to the original overall making, the underwear, which enabled them to cut up 25,000 yards of Provo flannel the first year. This enterprise has entirely cut out the importation of Chinese overalls. The division of labor being adopted in this branch of business, a single overall going through thirteen hands, has made it a decided success.

The overalls are cut by folding 72 bolts, about 3,600 yards, placed on a table and cut into sections by hand, then cut by a power knife, which produces twelve pairs of overalls per minute; the stitching is done by sewing machines running

1,400 stitches per minute. The buttons are put on by a magnetic machine. The production of the room is 400 pairs per day.

It is the nucleus of a clothing factory, on a large scale, towards which the management is aiming.

In connection with Z. C. M. I. boot and shoe factory it is highly proper to personally distinguish William Jennings as a home manufacturer.

Mr. Jennings is known to day as the successful merchant and a millionaire of trade. This he has made of himself, but nature, made him for a manufacturer and an employer of the operative classes. The circumstances of the country changed the bent of his life and threw him into the more profitable avenues of a mercantile commerce rather than that of manufactures—more profitable, however, only for a time, for the commerce of the future will be chiefly constructed upon our home industries and native resources.

At first, Mr. Jennings was the manufacturer. He was in Utah nearly ten years before he became the regular merchant. Dealing in cattle was a family vocation, but notice in his history how soon he constructed several branches of trade nearest to his primitive business. He established a successful tannery and manufactured leather. He prided himself in this and made the best leather in the Territory. The time was when Jennings' tannery was a great public good; next he became a large manufacturer of boots and shoes, and when he opened a merchant's store he placed his home-made stock side-by-side with his States goods and raised it to a cash value, competing in his own store with the imported article. None of the other merchants of Utah did as much. This is by no means said to the discredit of other merchants, but to mark out Jennings' proper line of usefulness to the community. At one time he employed a hundred men, and stopped the importation of leather from the States. The co-operative organization of the "Big Boot" grew out of his original concern, as did also the Deseret Tannery & Manufacturing Association, which business is still carried on in Jennings' Emporium building and at the premises in the 19th Ward, under the auspices of Z. C. M. I. Indeed, he was the original manufacturer of Utah and the only one worthy of that name in the earlier days, though others are now rising, like hives of busy bees, as illustrated by the weavers of cloth in Provo, and the boot and shoe manfacturers of Salt Lake City. Furthermore, it may be noted that Jennings & Sons are ambitious to make their Wasatch Woolen Mills (the pioneer woolen mills of Brigham Young) the rival of the Provo Woolen Factory, in which case Salt Lake City will own a little colony of cloth manufacturers as well as Rowe's colony of boot and shoe makers.

In connection with William Jennings we should give a regular biographical link of his early partner, John R. Winder:

John Rex Winder was born at Biddenden, in the County of Kent, England, on the 11th of December, 1820. In the year 1847 he first heard of Mormonism, in Liverpool; in the following year he rendered obedience to the Mormon Gospel; and in February, 1853, sailed from Liverpool on board the *Elvira Owen*, which made the trip to New Orleans in thirty-five days. He steamed up the river to Keokuk, and camped there until the 19th of July, when the company started across the plains, arriving in Salt Lake City, October 10, 1853. He genedag

with Samuel Mulliner in the business of manufacturing saddles, harness, boots, shoes, etc., and remained with him until the spring of 1855. He then joined in partnership with Wm. Jennings, under the firm name of Jennings & Winder, butchers, tanners, and manufacturers of boots, shoes, harness, saddles, etc., doing a successful business in each department until the move South, in the spring of 1858, when this partnership was dissolved. William Jennings continued the business, and John R. Winder, in connection with Brigham Young and Feramorz Little, started another tannery on Canyon Creek; this was carried on successfully until the railroads brought leather to the Territory cheaper than it could be manufactured at home. As already noted, the railroad caused a general suspension of the tanneries throughout the Territory, but more particularly was this the case in and near Salt Lake City. The last home enterprise John R. Winder was actively engaged in (associated with Feramorz Little, Wm. Jennings, W. H. Hooper, Geo. Romney, Elias Morris and others) was the building and operating a new tannery in the Nineteenth Ward. After putting it into successful operation, it was disposed of to Z. C. M. I., and is now carried on by that firm, as detailed in the general history of the leather trade.

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People arriving in the Territory to-day, when we have so many of the necessaries and comforts of life—when we have our railroads, street cars, gas works, foundries, mills and manufactories—seldom stop to think of the early days of these settlements, when these things did not exist here, nor of the many trials and difficulties that the early settlers had to encounter in bringing about the present state of affairs,—many of them without a practical knowledge of what they undertook to accomplish, without money or influence abroad that would secure credit, without everything, in fact, except their indomitable will, perseverance, and faith.

In connection with the lumber business, which forms so important a factor in the building of cities, are the factories, containing a number of machines, called wood-working machinery, consisting of planing and grooving machines, mortice and tenanting machines, moulding and shaping machines, circular, fret and band saws and a number of other useful machines, nearly all of which were unknown to our grandfathers, but without which the whole country could not have taken such giant strides the last half century.

The first successful effort to introduce this class of manufacture in Utah, was by the firm of Latimer, Taylor & Co., consisting of four partners: Thomas Latimer, Geo. H. Taylor, Charles Decker and Zenas Evans. The first two were sash and door makers, the last two owned and ran a saw mill. It was in the winter of 1866-7, when the canyons were closed up, that the owners of the saw mill used to sit around the fire at Latimer & Taylor's little shop (they—Latimer & Taylor—being agents to sell their lumber). There they would talk about machines and machinery, and study over an illustrated catalogue of the same, that had found its way out here, and wish that they could raise the money to purchase the necessary machinery to make a start in that business. They determined at length to make an effort to borrow five thousand dollars, each one pledging himself and all he was worth as security. It was also determined that as Latimer and Taylor had the least of this world's goods, they should do the borrowing, and the other two, being worth more, could give the security.

If the national currency had been then what it is to-day, the borrowing might have been a very difficult task, but as greenbacks then were worth only fifty cents on the dollar, those who had money were not disposed to hoard it. In a very short time the five thousand dollars were raised. Mayor Smoot furnished three thousand at three per cent. per month, and the other two thousand was procured from various sources at five per cent. per month.

When we consider the high prices of everything in consequence of the depreciation of currency, and the enormous rate of interest paid on the loan, we can form some idea of the task these men had undertaken.

Orders were immediately sent through Fred. Perris for the necessary machinery, and in the fall of 1867, it was brought here by ox team, the freight amounting to twenty cents per pound. A lot was rented opposite the southeast corner of the Eighth Ward Square. A lumber yard was started and a planing machine set up, but as yet they had no power to turn it. The first effort to run was made with a small two-horse power rig, which they hired for an experiment, to which they had attached eight mules, but after turning the contrivance upside down a few times, they came to the conclusion that they could never succeed in running a four-horse machine with a two-horse power. Learning that Mr. Henry Dinwoodey was expecting a four-horse steam engine from the east, they negotiated for the same, and on its arrival, had their mill up, and the machinery all in place, so that when the engine arrived, it was but a few days before everything was in order, and they blew the first steam whistle that was ever heard in the city. Young people, who had never heard one, came from all parts of the city to witness the novelty.

Many predicted that it would be a faliure, and the idea that Latimer and Taylor, who were to run it, would make a success of it, seemed preposterous, when it was known that Latimer was a potter by trade, and Taylor a calico engraver. Though neither of them had any experience with that class of machinery, they started out to succeed, and Mr. Latimer being naturally a machinest, they soon overcome the obstacles that inexperience left in their way. Fortunately for them it was a busy season, mechanics scarce, and they soon had all they could do at remunerative prices. By working early and late, and with the assistance of the lumber from the other partners, they, at the close of the first season, had paid off all their interest and settled the most pressing part of their principal.

Through the winter they made a stock of sash, doors and flooring from which during the next season they expected to realize enough to clear off their indebtedness.

But they were doomed to fresh trials. On the forenoon of the 23d of June, 1868, their factory took fire, and though they were on the premises at the time, so strong was the wind and so combustible the building and its contents, that within twelve minutes the whole concern was burned to the ground. Nothing was saved; one of the proprietors went home without his coat and the other without his hat. They were without means, heavily in debt, and out of business.

Taylor here relates an incident that he is always fond of telling: One old lady living in one of the outside wards, as soon as she heard of the fire, came down to his house (walking ten blocks) and told him not to be discouraged, as he

had burned down in the right time of the moon. He says he has often heard of the moon having an influence over planting, reaping, and various other events, but never thought it extended far enough to cover his case at that time.

It being the most extensive fire that had occured here up to that time, they had the sympathy of the community, which took practical shape through the efforts of Bishop Thomas Taylor, who collected from the business men of the place, both Mormon and Gentile, about one thousand dollars, in sums of about fifty dollars, which Latimer & Taylor would not take as a gift, but gave their joint notes to pay as soon as they were able, without interest, all of which they paid within two years, as far as they have any knowledge. They then bought the burnt and damaged machinery from their former partners for one thousand dollars, giving to each a note of five hundred dollars. Latimer set to work to repair the damaged machines, while Taylor worked to support the two families. After a whole season spent in repairs, they formed a new partnership in 1869 with W. H. Folsom and George Romney, starting a steam mill on Folsom's lot on South Temple Street. W. H. Folsom was a leading architect, and Romney had been for years foreman at the Public Works. For several years previous to the partnership they, under the firm of Folsom & Romney, had been the leading contractors and builders in the city. The uniting of these four practical hard working men made a strong team and insured them success, otherwise the introduction of capital and lumber from the west about that time from the great Truckee companies would have been too much for the old company.

After a successful business of five years, during which this company built a number of our principal stores and dwellings, Mr. Folsom sold out his interest to Mr. Francis Armstrong, and has since held the position of Church architect for the Manti Temple. The company then purchased the grounds where they now are, put up a large mill, and continued to run under the name of Latimer, Taylor & Co. until the death of the senior partner, Mr. Latimer, in October, 1881, when the remaining partners purchased the interest of their former partner and changed the firm to Taylor, Romney & Armstrong.

It has always been the aim of the company to sustain home industries, and for a long time after the introduction of foreign lumber, they were the only ones keeping a yard who dealt in the home-made article, and to-day, in connection with their outside stock, they take the entire proceeds of three home saw mills, besides a large amount from several others, and also manufacture many things that they could import and make more profit on. Thus the little struggling concern of sixteen years ago is to-day standing in the front rank in contracting, building and manufacturing. Their lumber contracts for the present year are about four million feet, and during the building season they have had on their pay roll about sixty names, paying over one thousand dollars a week in wages. These hands, with their families, together with the men employed in the saw mill and their families, must aggregate about five hundred persons who draw their support from this firm. They have also built a number of houses on the instalment plan, taking legal interest on the outlay, for people who would otherwise have been paying rent to-day.

The late Thomas Latimer was born at Burslam, Staffordshire, England, in

1828. He served as a potter. When he was about twenty years of age he was baptized into the Mormon Church at about the same time that the "Eardley Brothers" and "Croxall and Cartwright" came into the Church. They all worked at the same shop and the latter, as is well known, established the pottery industries of our Territory, while Latimer branched out into the lumber business with Mr. George H. Taylor.

Latimer emigrated to St. Louis at about the year 1850, where he stayed for two years and then journeyed west with Mr. Eardley.

After his arrival in Salt Lake City in 1852, Latimer engaged in ditching and adobie making for a season, after which he worked for Mr. Samuel Snyder selling lumber and making sash and doors, which business he had learned since his arrival in America. In that day mechanics were scarce; and he, devoting himself exclusively to sash and door making and had all the work he could do the year round, people coming to him from all the neighboring settlements. Thus commenced this branch of business in our City as a specialty, the history of which is briefly sketched in the foregoing.

Thomas Latimer died in the latter part of October, 1881, after two years of illness in consumption. He was a genial, social, honest man; his partners would have trusted him with all they had, and by our citizens generally he was highly respected.

George H. Taylor was born at Bloomfield, New Jersey, November 4th, 1829. He was apprenticed to a calico engraver, and served five years.

Mr. Taylor and his wife came to this Territory in 1859, by ox team, landing without a dollar on the 16th of September. Three days after his arrival in Salt Lake City he went up to the saw mill in Big Cottonwood to work for Feramorz Little, as a tail sawyer. There he worked six weeks and got his winter's provisions, when he went down to Sugar House Ward to spend the winter, during which season he hauled lumber for Little from the mill to the city. In the spring of 1860, he moved into the city with his family, and sought employ on the Public Works. He went into the carpenter shop, of which Mr. George Romney, one of his present partners, was the "boss." Here he worked six weeks, learning his new trade, at a wage of $1.50 per day, at the expiration of which time he found somebody to give him $2.00

When Mr. Taylor commenced to learn the carpentry business he was thirty-one years of age. He served his time with Mr. Charles King, the well known Salt Lake builder. During his engagement with King, covering a period of two years, Taylor had a hand in building some of the first principal stores on Main Street, such as Walker Brothers' old store, the Town Clock store, and others which at one time gave prominence to the merchants' street.

In those early days of struggle Mr. Taylor devoted his "overtime" at nights to the engraving business, to which he was apprenticed, engraving on maple wood for the stamping of embroidery. It was Taylor who started this class of work in our city, in which he was afterwards succeeded by Mr. Druce, who had his patterns. After he had left Mr. King he went into business for himself, continuing till 1867, when he joined partnership with Mr. Latimer, from which date the foregoing sketches his industrial career.

In the business and industrial history of Salt Lake City, Henry Dinwoodey, the furniture maker and upholsterer, stands at the head of his class as a home manufacturer and employer of labor. Commencing business in the city ere scarcely a commercial house was established, Mr. Dinwoodey's branch of home manufactures has grown from small beginnings to his present fine establishment on First South Street, which carries a stock equal to any Eastern house.

On his arrival in Salt Lake City in September, 1855, Mr. Dinwoodey engaged by himself in the carpentry business, and soon afterwards in the cabinet business in partnership with James Bird, occupying a stand just south of the present Continental hotel. They continued thus until the fall of 1857, when trade and commerce were almost entirely suspended by the Buchanan expedition.

In the spring of 1858 he and his partner moved south, as did the whole people of the northern cities and counties. With his partner, Mr. Bird, he went into American Fork Canyon, repaired an old saw and grist mill, and commenced making lumber. In the fall of this year he returned to Salt Lake City and went into business for himself, hiring men and manufacturing furniture out of native lumber.

Mr. Dinwoodey rented a piece of ground of Levi Richards, a little above the corner where afterwards was erected Kimball & Lawrence's store. At this time that corner, and the adjacent ground, was distinguished by nothing more imposing than a pole fence, which will sufficiently suggest the primitive character of Main Street when Mr. Dinwoodey pulled down a portion of that fence and built his first furniture shop and store. Previous to this date, on this block, which is now one of the principal business blocks of the City, the Old Constitution buildings was the only monument of trade in that part of Main Street; for, though commerce commenced at the upper part of Main Street, it very soon took a direction south towards the "Old Elephant Corner, where both Mormon and Gentile clustered, especially after the date of the return from the "move south" and the evacuation of Camp Floyd. There were on the two sides of Main Street, limited on the west side by what is now known as "Walker's Corner" and "Jennings' Corner," and on the east side by "Godbe's Corner" and the "Old Elephant Corner," nearly all the commercial and business houses of the City. On the east side there were Gilbert & Gerrish, William Nixon, Ransohoff, Walker Brothers, Staines & Needham, John Kimball, Godbe's Drug Store, the Salt Lake House (which was the first hotel in the City), and T. D. Brown; on the west side Gilbert Clements (the first manufacturer of brushes in the City), Dan Clift, John M. Brown, Howard (tanner, harness and boot and shoe maker), H. E. Bowring (also carrying on the same business), and on Jennings' corner his butcher stall and store, which in time gave place to the Eagle Emporium.

But, Mr. Dinwoodey having pulled down a portion of the fence on the Richards' lot, building his furniture shop and store thereon, business began to return towards the Old Constitution Buildings, at the head of Main Street, where Livingston, Kinkade and Bell opened the commercial activities of the city in 1849, where also Postmaster Bell kept the Post Office; the Council House, in which

both the State of Deseret and the Territorial legislature passed their measures and constructed their governmental work, stood as the crowning edifice of the early times.

The location which Mr. Dinwoodey chose was at that time very suitable for the furniture business. It possessed the advantage of being in the front street where the merchants dwelt and sold "States goods" for enormous profits, without his expenses draining the home manufacturer's small percentage of cash needful to carry on his business, in purchasing imported goods or furnishings, and that class of material which could not be bought by exchange of home goods. It was impossible, at that time, for the home manufacturer to carry on business in a locality where several hundred dollars in cash were required per month for rent, or to compete with the merchants who sold States goods, and drained the city of its cash while the manufacturer had to carry on his business and pay his men by the primitive system of trade and barter.

Following close after Henry Dinwoodey came John Kimball and Henry W. Lawrence, who pulled down the fence at the corner and built the Kimball & Lawrence store. "States goods'" commerce and the home manufacturing trade had now joined hands, supporting each other on the same block, while the Post Office, under the management of Postmaster T. B. H. Stenhouse, gave bustle and passage to this portion of Main Street. Good stores soon sprang up along the entire block, including stationers, music dealers, jewelers and millinery stores, and Savage's art gallery.

Mr. Dinwoodey stayed on Main Street from 1858 to 1869; and it was at his original stand that he established himself as a successful business man who was able to "pull down his old barns and build up greater;" to employ more hands in the home factory and to import periodically large stocks of the finest eastern furniture.

Being unable to obtain sufficient room on Main Street for his largely increased trade, Mr. Dinwoodey, in 1869, purchased a part of the "Bullock lot," where he erected his fine capacious establishment. When the U. P. R. R. approached the city, he commenced to import furniture; he was in the States purchasing machinery and furniture when the last spike was driven, since which time he has imported all classes of fine "States furniture," without diminishing his large home manufacturing business.

But it is to Dinwoodey and his class as home manufacturers that the reminiscences of our city attach with particular historical interest; and here may be noted, as suggestive of this, one of the peculiar features of our home trade and early industries, which will also illustrate how hundreds of our citizens obtained houses and lots, and comfortably furnished homes, without scarcely ever handling a dollar of cash.

Upon the shoulders of perhaps not more than a score of master business men and employers, the home trade and the life of the city rested; and it was they, indeed, who found the ways and means to supply the chief wants of the people, while less than a score of merchants were sufficient to carry on commerce in "States goods."

After all the seeming commonality of the home manufacturer and the home

tradesman, the burden not only of the business of the city, but of the provisions and comforts of the homes of the citizens rested on their enterprise and business capacity. Indeed to keep their various businesses alive, and to make their own homes desirable, they had to do very much the same for their employees, and even for their customers. There were certain classes of home-made goods which ranked on a par, others nearly so, with "States goods." Among such, most familiarly named, were furniture, boots and shoes, leather, harness, home-made cloth and its class, earthenware, and particularly might be named the supplies of the butcher's stall. Undoubtedly the people, through the sharpening pinch of necessity, became smart traders, but much had to be done for them by the home tradesman and employer, or by business compeers helping each other. They issued due bills for the home trade, and for their employees, purchased lots, lumber for building, adobies, the winter's firewood, etc., placing their workmen perhaps a year's service in their debt. Indeed, it required no small amount of business capacity, as well as integrity in honoring "due bills," to carry on the home business; and upon these requirements their own success rested.

It was just in the fulfillment of the requirements of trade in those times, that Dinwoodey and a few others, made themselves successful tradesmen in their various lines. He opened accounts with every tradesman, or honest customer, who sought him or he them, often opening accounts for his men in his own name, thus also creating his own business; not a few of his employees since 1857, have obtained their homes through his management for them. His home-made furniture is seen from one end of the Territory to the other.

Thus home manufactures have struggled up these thirty-eight years, since Salt Lake City was founded, to their present prosperous and promising condition.

We are of an opinion that Utah is destined to yet make her mark as a manufacturing State as well as a mining State; and there are many signs already given that she has fairly entered into her manufacturing period of growth. All who are familiar with the resources of the Territory know that if Utah is rich in her silver she is more abundantly wealthy in her coal and iron; and this should mean a promise in due time of at least manufacturing importance, and perhaps, also, of manufacturing greatness.

Joseph R. Walker.

## CHAPTER LXXXI.

OPENING OF THE MINES. EARLY COUNSELS OF BRIGHAM YOUNG TO THE MORMONS AGAINST *THEIR* GOING INTO MINING. GENERAL CONNER AND HIS TROOPS PROSPECTING IN OUR CANYONS FOR GOLD AND SILVER. GODBE AND HIS PARTY ANTAGONIZE "THE PRESIDENT'S" HOME POLICIES AND ADVOCATE "THE TRUE DEVELOPMENT OF THE TERRITORY." MINING OPERATIONS OF THE WALKER BROTHERS. EPITOME OF MINING OPERATIONS.

We reach here the mining industries of our Territory, which since 1870 have changed the very face of Utah history, and reconstructed the trade and commerce of Salt Lake City.

When Utah was first settled, General Taylor said, "The Mormons have got on the backbone of the continent." President Lincoln made a parallel statement: "Utah will yet become the treasure-house of the nation."

The early history of the Territory is familiar to our readers; it constitutes one of the most wonderful chapters in the religious annals of the world. Three important circumstances have combined to excite an interest in the public mind regarding Utah, not as the abode of an independent religious community, but as a region in which American enterprise and American ideas are destined to prevail. These are: 1. The discovery of silver mines everywhere in the Territory; 2. The opening of the Pacific railroad, followed by the building of Utah railroads; 3. The influx of a Gentile population, influential in numbers, abounding with men familiar all their lifetime with grappling with large enterprises and experienced in mining operations in the Pacific States and Territories, and these backed both by American and European capital. The mining population that began to pour into Utah about the years 1869-70, from the onset caught a glimpse of a new era and saw in the future of Salt Lake City one of the principal centres of the continent. They saw a vast Territory—once devoted exclusively to Mormon colonization and Mormon ideas—transformed under their new auspices into an important section of the nation occupied by millions of United States citizens. They have also believed that ultimately the Gentile population would largely predominate, and that the Mormon *community* would be substantially blotted out, while the Mormon people, as the tillers of the soil, the workers in iron, and as home manufacturers and mechanics, would survive as the bone and sinew of the country. This prospect has been very pleasing to the Gentile view, but as distasteful to the Mormon view: hence the social discords of our local history.

The first mining record of Utah is that of the Jordan Mine in favor of one Ogilvie and some others. Ogilvie, in logging in the canyon, found a piece of ore which he sent to Colonel Connor, who had it assayed. Finding it to be good ore,

Connor organized a party of officers and ladies of his camp and went over and located the mine—the Jordan. A day or two afterwards, Colonel Connor wrote mining laws and held a miners' meeting at Gardner's mill on the Jordan River, where the laws were adopted and Bishop Gardner elected recorder. The district was called the West Mountain Mining District.

It was thereupon that General Connor issued a circular announcing to the world that he had "the strongest evidence that the mountains and canyons in the Territory of Utah abound in rich veins of gold, silver, copper and other minerals, and for the purpose of opening up the country to a new, hardy and industrious population, deems it important that prospecting for minerals should not only be untrammelled but fostered by every proper means. In order that such discoveries may be early and reliably made, the General announces that miners and prospecting parties will receive the fullest protection from the military forces in this district in pursuit of their avocations, providing, always, that private rights are not infringed upon."

In March, 1864, another circular was issued by General Connor, which was considered to be very threatening towards the leaders of the Mormon community in regard to the Utah mines; and in July of the same year he wrote to the War Department an account of his action and policy, in which he said:

"As set forth in former communications, my policy in this Territory has been to invite hither a large Gentile and loyal population, sufficient by peaceful means and through the ballot-box to overwhelm the Mormons by mere force of numbers, and thus wrest from the church—disloyal and traitorous to the core—the absolute and tyrannical control of temporal and civil affairs, or at least a population numerous enough to put a check on the Mormon authorities, and give countenance to those who are striving to loosen the bonds with which they have been so long oppressed. With this view, I have bent every energy and means of which I was possessed, both personal and official, towards the discovery and development of the mining resources of the Territory, using without stint the soldiers of my command whenever and wherever it could be done without detriment to the public service. These exertions have, in a remarkably short period, been productive of the happiest results and more than commensurate with my anticipations. Mines of undoubted richness have been discovered, their fame is spreading east and west; voyageurs for other mining countries have been induced by the discoveries already made to tarry here, and the number of miners of the Territory is steadily and rapidly increasing. With them, and to supply their wants, merchants and traders are flocking into Great Salt Lake City, which by its activity, increased number of Gentile stores and workshops, and the appearance of its thronged and busy streets, presents a most remarkable contrast to the Salt Lake of one year ago. Despite the counsel, threats, and obstacles of the church, the movement is going on with giant strides."*

Thus the understanding grew prevalent in the public mind throughout America hat Brigham Young and his compeers were implacably opposed to the opening

*These circulars and the communication to the War Department will be found entire in Chapter XXXVI. of this history.

of the Utah mines; but it is only common justice to them to give a passing exposition of the real facts of the case.

It has been seen that the Mormons migrated to the valleys of the Rocky Mountains as a religious community and to preserve themselves as such, and that they had not the remotest idea of coming west for the discovery of gold or silver.

Their brethren, however, of the Mormon Battalion were strangely fated to discover the gold of California jointly with Mr. Marshall. This actually produced a crisis more seductive and dangerous to the existence of the community than anything which had occurred in their history from the beginning; and perhaps no people in the world but the Mormons could have withstood the awful temptation of gold. It was most consistent in the case that these Mormon high priests should steady the ark of their own covenant and counsel the community which they had transplanted to these Valleys not to go to the mines. The California gold seekers wrote home and told the public of Brigham's sermons on the subject of gold, "showing the wealth, strength and glory of England, growing out of her coal mines, iron and industry, and the weakness, corruption and degradation of Spanish America, Spain, etc., growing out of their gold, silver, and idle habits." This passage indeed, from his sermon on gold and silver hunting, delivered in the summer of 1849, is the very index of his social policy as regarding the Mormon community, to whom, as their leader, it was his duty to speak and counsel upon such a vital question of the hour. The following is his counsel to the first company of emigrants from Europe brought out by the P. E. Fund:

"Do not any of you suffer the thought to enter your minds, that you must go to the gold mines in search of riches. That is no place for the Saints. Some have gone there and returned; they keep coming and going, but their garments are spotted, almost universally. It is scarcely possible for a man to go there and come back to this place with his garments pure. Don't any of you imagine to yourselves that you can go to the gold mines to get anything to help yourselves with: you must live here; this is the gathering place for the Saints. The man who is trying to gain for himself the perishable things of this world, and suffers his affections to be staid upon them, may despair of ever obtaining a crown of glory. This world is only to be used as an apartment, in which the children of men may be prepared for their eternal redemption and exaltation in the presence of their Savior; and we have but a short time allotted to us here to accomplish so great a work."

And in the light of the full history of our Territory as it reaches down to this day the impartial sociologist would be compelled to admit that the policy and counsel of Brigham Young as a leader of a peculiar people were well grounded. Utah is unquestionably destined to become a great mining State of the Union; but it will be found (as the author believes) a century hence that the Mormons will share it as a great manufacturing community, iron workers and farmers; while the Gentiles will chiefly be the owners and developers of the Utah mines: a blessed prospect for all when the country shall rest from its turmoils. Leaving the social exposition induced by General Connor's communications and circulars, we return to the mines themselves.

Mr. Stenhouse, who was the first to give the early mining history of Utah, says: "In the summer of 1864, the Jordan Mining Company was incorporated by General Connor under the Laws of California, and work by a tunnel was commenced on the mine, at a cost of sixty dollars per foot, which could now be done for ten dollars. Blasting-powder was at that time twenty-five dollars a keg; now it is less than one-sixth of that price, and labor is also more abundant.

"The first smelting-furnace in the Territory was erected at Stockton, in 1864, by General Connor. He, at this time, became aware of the importance of having the mineral interest developed to the fullest possible extent, and induced a large number of his California friends to enter into the enterprise. The Rush Valley Smelting Company was organized at the same time, by the military officers at Camp Douglas, and a furnace was built by them at Stockton.

"General Connor followed, with his second furnace on the reverberatory plan, with an inclined flue, one hundred and fifty feet long. During the summer and fall of 1864, furnaces were built by the following parties, in and around Stockton and Rush Valley (mining prospects innumerable having by that time been located in the neighborhood), viz: The St. James, Finherty, J. W. Gibson, Nichols & Brand, Hartnet, Davids & Company, and one cupola blast-furnace by Johnson, Monheim & Company. A cupelling furnace was also built by Stock & Weberling, in the same year.

"But the treatment of ores by smelting was a task new to these Californians, and their experience in milling the gold ores of their State was of no service to them in this task. This disadvantage was increased by the fact that charcoal was not abundant, that rates of transportation were excessively high, and both the materials of which the furnaces were built, and those used in the daily operations, were very dear. These are circumstances which would tax the ability of the most experienced; and the Californians, unused to the work, failed entirely. A good deal of money was spent, with no result, excepting the establishment of the fact that the ores were easy to treat. During this time of trial, the usual history of new mining fields was repeated, and companies which were organized with high hopes spent large sums, and became bankrupt.

The Knickerbocker and Argenta Mining and Smelting Company was organized in New York, to operate in Rush Valley, and expended about one hundred thousand dollars in the purchase of mines and the material for working them. But, owing to the impossibility of making medium and low-grade ores pay, at such a distance from the market, the company lost their money, and abandoned the enterprise. Thus, after two years of steady, earnest, hopeful toil—from the time of the first discovery in 1863, to the same month in 1865—the business of mining had to be suspended to await the advent of the "iron horse," which was to bring renewed vitality to the occupation of the miner.

With the failure to work the mines profitably, came the disbanding of the volunteer troops, in the latter part of 1865-6. Their places could now be filled by the regulars—the rebellion by this time having been suppressed—and, as the owners and locators (who were principally military men) could not subsist on non-paying mines, the question arose as to how their rights could be secured while they were seeking employment elsewhere. Their method of solving the difficulty

has resulted in the greatest injury to the cause which had its rise in their energy and determination. They called miners' meetings, and amended the by-laws of the district in such a manner as to make claims perpetually valid, which had had a certain but very small amount of work done upon them. For the performance of this work, a certificate was given by the district recorder. This certificate prohibited all subsequent relocation of the ground. In consequence of this provision, the mines of Stockton long lay under a ban, and it is only since the wonderful discoveries made in neighboring canyons, that mining has been energetically resumed there. While the operations, detailed above, drew attention chiefly to the Rush Valley mines, discoveries were gradually becoming numerous in other districts.

Here the mining history pauses until the years 1868-9, when it connects with what was familiarly known as the "Godbeite Movement."

Mr. Eli B. Kelsey, thorough breaking off from Mormonism, and believing that the hour had fully come to develop the mineral resources of the Territory, started out in the old missionary style to lecture upon Utah in the Atlantic and Pacific States, in the summer of 1870. He wrote to the papers, spoke to 'boards of trade,' published a pamphlet, and created quite an interest among capitalists, and was the means of sending into the mining district a hundred thousand dollars in the fall of 1870. The first of Eastern capitalists who was converted, was an enterprising merchant of New York, William M. Fliess, Esq., who joined Mr. Kelsey, and advanced the "working capital" required to develop some valuable mines. From that time capital has flowed into Utah, and wealth has been dug out of the mountains in such abundance—in proportion to the capital and labor employed—as to justify the hope that Utah will yet be the first mining country in the world.

The first discovery of silver-bearing lead ore had been made in the Wasatch range, in Little Cottonwood Canyon, and in Mountain Lake, in the summer of 1864, by General Connor, but nothing was done towards development until the district was organized, in the fall of 1868; when, for the first time, operations of any extent were begun on the mines by Messrs. Woodhull, Woodman, Chisholm, Reich and others. The first shipments of galena ore from the Territory were made in small quantities by Messrs. Woodman & Co., Walker Brothers, and Woodhull Brothers, of Little Cottonwood ore, in July, 1868, being the first products of the Emma mine. Several other shipments were made in the fall of that year, by the same parties. The completion of the Utah Central Railroad to Salt Lake City, in January, 1870, presented the long-looked-for opportunity of embarking with certainty in the business of mining.

During the fall of 1868, and the spring of 1869, mining was taken hold of with a will, and it was soon proved, beyond a question, that the mines of Utah were possessed of real merit. What better proof can be looked for than the fact that from the first discovery they were not only self-sustaining, but highly remunerative? The first shipment of ore to market having proved a success, work was pushed on with the utmost vigor on the mines already discovered. This was especially the case in Little Cottonwood district, on such mines as the Flagstaff, Emma, North Star, Savage, Magnet, Monitor, and others. Thus an impetus was

given to the business of prospecting for mines all over the Territory, and this led to innumerable discoveries subsequently made. The export of ores has increased from a few irregular weekly shipments, as in the fall of 1868, and throughout 1869, to that of a regular and constant stream, during the summer months, of from four hundred to six hundred tons weekly. In one month the Walker Brothers shipped 4,000 tons. In the two months—August and September, 1872—2,458 tons of ore, and 1,362 tons of silver-bearing lead and iron, were sent out of the Territory. The latter item shows what progress has been made in smelting the ores within the limits of the Territory itself.

It was during the excitement produced by the very rich developments made on the Emma and other mines of Little Cottonwood, that "horn," or chloride silver ores, of a very rich character, were discovered in East Canyon—now known as Ophir District. The first location in this district was made on the 23d of August, 1870, and was named Silveropolis. This location was soon followed by many others of a similar kind of mineral, all proving, at the surface, to be very rich—such as the Tampico, Mountain Lion, Mountain Tiger, Petaluma, Zella, Silver Chief, Defiance, Virginia, Monarch, Blue Wing, and many others, with promising prospects. All were found on what is known as Lion and Tiger Hills, immediately south of Ophir City; and the ores (unlike those of Cottonwood) are adapted to the mill treatment alone.

At the same time, prospecting was going on upon the north side of Ophir, where many very extensive ledges of lead ore, carrying silver, were found; which ores are adapted to the smelting process only. A remarkable distinction is to be noticed in the character of the ores on either side of the canyon, at the bottom of which appears to be the dividing line. On the north side, at the distance of not more than one-third of a mile, is found a combination of sulphides of iron, lead, arsenic, antimony and zinc—the iron predominating, and carrying silver in appreciable quantities, with fifteen per cent. to forty per cent. of lead. On the south side distant from the canyon about one mile, in a direct line, the silver occurs as chloride, with little or no base metal. But, small as the quantity of the other minerals is, they contain lead, molybdanum, antimony, and zinc, and therefore few of the mines yield ore that can be *well* treated without roasting. Probably fifty or sixty per cent. may be taken as the average yield of those ores in the mill, when they are treated raw. But a proper roasting increases this to eighty-five and even ninety per cent., and upwards. Some mines yield a remarkably pure chloride-ore—a dolomitic limestone containing true chloride of silver in a very pure condition.

It was at the time of these discoveries that the district now known as "Ophir" was formed in that part of the Oquirrh range known as East Canyon, and originally included in the Rush Valley District. Some forty locations had been made as early as 1864 and 1865. The conditions under which the ore exists in these mines is somewhat peculiar. It is in concentrations, which are often small and exceedingly rich, or larger and less concentrated, though still very rich. Mines were opened, which, when the overlying earth was removed, disclosed a narrow vein, exhibiting along its length a number of "boulders" highly impregnated with chloride of silver. These frequently assayed from $5,000 to $20,000

a ton; though their value would vary very much in different parts of the same mass. As a rule, the ore of East Canyon may be estimated at $80 to $150 per ton in value, though considerable quantities run much higher. But the marvelous stories of the $10,000 and $20,000 ore, found in boulders, attracted the attention of prospectors in other parts of the West; and these discoveries in Ophir, together with the wealth of the "Emma," have probably done more than any thing else to bring about that strong tide of immigrating prospectors which have so rapidly raised Utah to the position of a first rate mining-field. At all events, they would probably have been sufficient for the work, had the other discoveries been of less importance than they really are.

The working of these mines not only opened new districts, but revived the activity of those which had suffered partial abandonment; and at present there is not one district where important works are not going on. Great encouragement was also received from Eastern and foreign capitalists. Important sales were made, and a great deal of money brought in as working capital. At the same time a number of smelting-works were built. The amount of ore which these were capable of treating is variously estimated at from 200 to 400 tons per day; but few of them are now running. In June, 1870, the Woodhull Brothers built a furnace eight miles south of Salt Lake City, at the junction of the State Road with Big Cottonwood Creek. It did some service in testing practically the ores of the Territory, and from these works was shipped the first bullion produced from the mines of Utah. It was smelted from ores of the Monitor and Magnet, and other Cottonwood mines.

These works were soon followed by the Badger State Smelting Works, about four miles south of the City of Salt Lake, on the State Road, which were commenced in August, 1870. They produced their first bullion on the 18th day of March, 1870. The next works were those of Jennings & Pascoe, immediately north of the city, at the Warm Springs. They contained reverberatory furnaces, which are not well adapted to the average ores of Utah, but are useful for the preparation of galena ore for the blast-furnaces. A cupola or blast-furnace has since been added to these works, increasing their value greatly.

The next, and best designed works of any built in the Territory until a late period, were those of Colonel E. D. Buel, at the mouth of Little Cottonwood Canyon. The smelting-works of Buel & Bateman, in Bingham Canyon, which followed, were built on the same plan as those in Little Cottonwood.

During the winter of 1870-1, Messrs. Jones & Raymond built furnaces in East Canyon for the purpose of treating the lead-ores of that district. A renewal of operations also took place at Stockton, and the works there have suffered greater vicissitudes than any others in the Territory. Tintic, a new district, saw the next establishment built. But, during the year 1871, furnaces were erected in all quarters: in Little Cottonwood, by Jones & Pardee; in Big Cottonwood, by Weightman & Co.; in Bingham Canyon, by Bristol & Daggett; in American Fork, by Holcombe, Sevenoaks & Co.; and others. These were nearly all shaft-furnaces, rather rude in construction, though with some well built furnaces among them. The only works which deserve notice, for the introduction of good metallurgical models, are those of Robbins & Co., who built a large reverberatory

furnace for reducing the ore by charcoal, after preliminary roasting; and the works of Colonel Buel, in Little Cottonwood, where the later constructions of German metallurgists were introduced with good judgment and effect. The furnaces which Colonel Buel placed in his Cottonwood and Bingham Canyon works have been repeatedly copied in later erected establishments, and have proved themselves as serviceable in this country as abroad.

Thus sixteen furnaces were built in as many months, and the number has since been increased more than one-half; but it cannot be said that great success has attended them. Few have continued in active operation, and fewer still work with the regularity necessary to success. It is impossible to doubt that a history like this must be the result of inexperience. It is but a repetition of the course of affairs in Nevada, where men accustomed to the amalgamation of gold undertook to treat silver ores, which require a very different process. They at first ascribed their failures to some peculiarity of the ores, which were thought to be different from any others in the world; but now they confess that the cause of their difficulties was simply ignorance. Undoubtedly that is the real secret of the trouble experienced by smelters in Utah; and, doubtless, when they have become more experienced, they will not hesitate to acknowledge that ignorance of the work was the cause of their first failures, instead of giving the numerous excuses that are now current.

In addition to the foregoing means of reduction there was built in Ophir District, East Canyon, a first-class crushing and amalgamating mill, in May and June, 1871, by the Walker Brothers, of Salt Lake City. It is known as the Pioneer Mill. It has fifteen stamps, and was built by the firm to work the ores of the Silveropolis, Tiger, Rockwell, Zella, Silver Chief, and other mines—the mill-process alone being adapted to the ores of that section of Ophir known as Lion Hill, where horn chloride silver ores are found. There are also four or five "Mexican arastas" in successful operation in East Canyon. The mill-men have met with better success in Utah than the smelters, for they are engaged in a task familiar to them, the process being the same as that in use in Nevada and some parts of California.

Notwithstanding all the discouragement which has been met with hitherto by the smelters, the progress of mining in Utah has been wonderful. Remembering that the first really practical work done towards the development of the mining interests was commenced only in the fall of 1868, and making due allowance for the inclement season then at hand, which the miners had to pass through in such high altitudes as those where the mines are situated, it will be understood how it was the summer of 1869 had progressed so far before work to any appreciable amount was done. Considering the shortness of the time, the record of what has been done is most extraordinary.

From the summer of 1869 to the 25th of September, 1871, there were shipped from the Territory 10,000 tons of silver and gold ores, of the gross value of $2,500,000; of bullion, or pig-lead, containing gold and silver, 4,500 tons, of gross value of $1,237,000; copper ores, 231 tons, of the gross value of $6,000. Salt has also been exported to the extent of 1,100 tons, of the value of $4,000; and silver bars, obtained by milling chloride ores, have produced $120,000. The an-

nual product of gold from Bingham Canyon, by improved appliances for washing and sluicing, has been increased from $150,000 to $250,000. The number of districts by exploration and location has grown from two, as in 1868, to thirty-two in 1871. Since June, 1870, there have been erected eighteen smelting-furnaces, built at an aggregate cost of $200,000, several of which are producing bullion.

The above is a comprehensive history of the growth and development of the mining interests of Utah from the day when General Connor and his men first discovered the Old Jordan in 1863 until the time when mining was no longer an experiment, but had become one of Utah's chief industries. Since then the searching pick of the prospector has been actively bringing to the light of day mineral deposits in all parts of the Territory; until an account of even the valuable mines of each district would require a more extended article than the most industrious reader would desire. There are excellent mineral indications on the Idaho line; and developments in the extreme south of the Territory have shown rich deposits of a peculiar character that have surprised and perplexed the most practiced mining experts. So, also, the Clifton and Rose Bud districts to the west give promise of future wealth, and from the almost unexplored southeast come frequent tales of rich placers and gold-bearing quartz veins.

While research has thus been made as to the extent of the mineral-bearing portions of Utah, there have been many splendid results from individual mines. Since the day, when, as it is said, mining was at its hey-day flush of prosperity, the owners of such mines as the Ontario, Mono, Horn Silver, Flagstaff, Old Telegraph, Great Basin, Crescent and others innumerable, have all made great fortunes. True, to offset this, some then considered permanent and of great value, have become worthless. But who shall lay this to the fault of the mines themselves? Who shall say that, in many instances, the supposed durability of these played-out mines was not, in the main, the misrepresentations of scheming operators? In other cases, these seeming failures are not real. Mines currently reported of great prospective value in those days were rich only in the conscientious, but hopeful and visionary minds of their owners. Still others retain their value, but the operators are financially unable to carry on the developments necessary to reach a paying condition of the mines. By this fair method of elimination, it will be seen that the real and true failures of the mines of Utah are very few indeed; on the contrary, it is considered by miners of extended experience that Utah presents an unusually safe field for mining adventure.

The mines of Utah have held and will hold their own. The field is so large, the precious yield so rich and varied, the fortunes in the past so conspicuous, and the domain of the future so hopeful, that it will be a phenomenon in the economy of events if Utah does not become a great mining success.

Millions on millions of dollars have been dug from the dark breasts of Utah's mountains. Towns have been built, expensive works have been erected, the busy hum of toil has gone on for years; the mountains have echoed with the miner's blast and the valleys have been made dark with the smoke of furnaces. Piles of dingy ore have been dragged from the secret chambers of the hills, and streams of glittering metal have flowed from the smelters. Men and fortunes have come and

gone; but the buried wealth of the Territory has only been trifled with. The restless activity of the American mind has allowed only a superficial examination of our treasures. The readiest road to a quick fortune has been the only one traveled. Gold, silver and lead—the cream on the surface of the dish—are all that have as yet been sought after. Our real treasure trove, the base and foundation of future eminence, our iron and coal, are almost untouched. Within the borders of this promising Territory lie beds of coal of an immense extent and value. Near by, are enormous quantities of purest iron which will, one day, enable Utah to rival and outvie any State in the Union. At other points have been discovered the useful minerals necessary to make these principal ones of complete utility, such as sulphur, paraffine, graphite, etc. Other metals are also to be procured, including copper, antimony, quicksilver, bismuth and tin.

It is not the purpose nor within the capacity of this chapter (which is but as a link in the history) to deal with the voluminous detail of the Utah mines; but, before closing the subject, it seems proper to review briefly the general mining operations of the Walkers, who, undoubtedly, were the chief instruments in working out success for Utah mines in 1870.

At the opening of the year 1870, when the Walker Brothers took hold of mining, there had been but very little legitimate mining done in Utah, though considerable prospecting had been carried on as shown in the preliminary history of Utah mines as written by Mr. Stenhouse. Placer mining had been carried on to a limited extent in Bingham canyon, a few men making a living of it; but sagacious men of enterprise, like the Walker Brothers, whose attention had for years been attracted to the mines of Utah, through the prospecting of General Connor and his troops, saw that quartz mining only could benefit the country, and at this time quartz mining was very limited. The Walker Brothers' financial help having been sought by the discoverers of the Emma prospect, they went to look at it; and becoming fully assured that the vast mineral resources of Utah could be successfully worked, if sufficient capital was brought to the help of the discoverers of good mines, and being also convinced that the Emma prospect was such a mine, they purchased an interest in it with Messrs. Woodhull, Woodman, Chisholm, Reich and others. The new combination was most fortunate; and as the Walker Brothers, like the family of the Rothschilds, were known to have attached to their lives that magic something called "luck," a settled faith grew in the public mind at home that the Utah mines at length were indeed opened, and soon a kindred faith in the mines of Utah spread throughout America and Europe.

The Emma was the first silver-lead mine in Utah that obtained a paying status. At the time of its development there were no silver-lead reduction works in the United States excepting one or two which had just started, the most noted of which is the Balbach, New Jersey, reduction works.

After becoming interested in the Emma developments, which soon opened up large bodies of ore, it became apparent to the company that a market should be opened for the product of the mine; and as there were no works in the United States available to reduce or smelt the products of the mine, correspondence was opened with parties in Liverpool and London, and it was soon ascertained that the ores of the Emma mine could be shipped to the English market at a profit. This

problem of the mining enterprise of Utah once solved gave the company a solid base to work upon, and the Walker Brothers pushed with all their financial might into the undertaking of making the Utah mines a marked success in the mining history of the great West which had already so stirred the civilized world since the discovery of gold in California. From time to time large shipments of the Emma ore were made to the English market, which soon gave an impetus to silver mining in Utah, and caused a large number of our citizens to scatter throughout the mountains prospecting for mines. The fame of the Emma mine reached the Territories and simultaneously a large influx of miners and prospectors poured in to join in the work of prospecting with the Utah men, thus adding experience to the local enthusiasm. Capital of course soon followed in the wake, a new era dawned in the history of Utah, and the Gentile, equally with the Mormon, claimed the country as his own. The pertinency of this line of review in connection with the Walker Brothers is that they were at the onset, as capitalists and business men, principally instrumental in bringing this result about, but for which the Utah mines would not have become so famous in 1870, though ultimately of course they would have been developed by the aid of foreign, if not local, capital.

And here it may be noted, as a suggestive fact, that the Emma was the cause of the opening up of this class of mines (silver-lead), and also the immense smelting interests in various parts of the United States, embracing millions of capital. It is no longer necessary to ship the products to Swansea, Wales, as this industry in the United States now competes with the smelting works of the Old World.

Of the first Emma company it may be noted that they made a Utah corporation of it and Mr. Joseph R. Walker was elected president of the company. Treynor W. Park and Baxter bought half interest in the Emma and they took the mine to England and placed it upon the English market, where it was sold. Its subsequent history was not enviable. Utah mines, exemplified in the Emma, under the controlling hands of the Walkers, grew in honest fame; in the hands of foreign capitalists the Emma benefitted neither Utah nor its British purchasers.

After their initial undertaking in the Emma mine the Walker Brothers became interested in numerous other mining operations in the Territory. They engaged in Ophir District, East Canyon (as noted by Stenhouse), and built the first quartz mill in the Territory, which is known as the Pioneer Mill; and they afterwards branched out into other Territories, notably into Montana.

In the year 1876, Mr. J. R. Walker went to Butte to view the outlook of that district. A sample of ore having been sent to Mr. J. R. Walker, he went to look the country over with a view to make ample investments if he found a mine to warrant it. This led to the purchase of the now famous Alice mine and other adjacent properties, and the erection of large reduction works. These embrace the largest dry crushing chloridizing works in the United States for the reduction of silver ores. Subsequently the mine and works were transferred to a Utah corporation bearing the name of the "Alice Gold and Silver Mining Company of Utah." It still runs under the management of the Walker Brothers, with J. R. Walker president of the company, they owning a large majority of the stock. Their mining operations since 1870 have extended into many districts, notably

the Cottonwoods, Ophir, Bingham, the Park, American Fork, Montana, Idaho and Nevada.

The foregoing is simply the history of the opening of the Utah Mines; we cannot attempt, in a chapter, to grapple with the voluminous record of the mines of Utah to the present day.

## CHAPTER LXXXII.

OUR RAILROADS. BRIGHAM YOUNG MARKS OUT THE TRACK OF THE "NATIONAL CENTRAL RAILROAD" ON THE PIONEER JOURNEY TO THE ROCKY MOUNTAINS. PETITION OF THE FIRST LEGISLATURE OF UTAH TO CONGRESS TO BUILD THE ROAD TO THE PACIFIC. BUILDING OF THE U. P. R. R. AND C. P. R. R. OPENING OF THE UTAH CENTRAL AND UTAH SOUTHERN. THE RAILROADS OF LATER DAYS.

Whatever may be said of the opposition of the Mormon leaders regarding the opening of the Utah Mines, it cannot be affirmed that they were opposed to the building of the railroads, uniting the eastern and western halves of the American continent. True, such was the general opinion; and it was created by the often repetition in the American press that the Mormon leaders entertained a savage fear of the approach of the railroads towards their domains, and that they desired an eternal isolation from the civilized world. Indeed, they and the Indians of the West were regarded very much in the same light, touching the projected railroads across the continent; and that familiar caricature of the terrified but enraged chief, standing on the new laid railroad track, gesticulating menaces against the coming train, whose resistless force a moment hence would crush him into nothingness, was thought to be quite a happy exaggeration of the Mormon of the Rocky Mountains. But the reverse of this is true as applied to the pioneers of Utah.

It is a singular fact, yet one well substantiated in the history of the West, that the pioneers of Utah were the first projectors and first proposers to the American nation of a trans-continental railroad. It is to be read in Historian Woodruff's diary of the journey of the pioneers that Brigham Young, who, bearing the military title of lieutenant-general for the occasion, daily with his staff officers went before the pioneer companies, marking out the way, often pointed out to them the track that the coming railroad would pass over in its course across the continent; and this idea of a railroad following them was so strange that many of them esteemed it as a prophecy; but to a Vanderbilt, a Tom Scott, or a Jay Gould, it would be esteemed as Brigham Young's instinct for railroads, so strikingly manifested in him twenty-one years later.

At the first session of the Territorial Legislature, held in 1851-2, in Salt Lake City, memorials to Congress were adopted, praying for the construction of a national central railroad, and also a telegraph line from the Missouri River *via* Salt Lake City to the Pacific. In connection with this, we give the following note from George A. Smith's private journal, in which he wrote:

"I was elected a member of the Senate of the Provisional State of Deseret, and reported a bill for the organization of the judiciary, which was the first bill printed for the consideration of members. I also reported a bill in relation to the construction of a national railroad across the continent, which some of the members considered a joke, though I was never more in earnest."

It will be perceived, by reference that this bill was dated nearly three years prior to the memorials to Congress upon the same subject; and it may be further observed that George A. Smith, Heber C. Kimball, and Wilford Woodruff were always three of the staff that accompanied "General" Brigham Young in marking out the pioneer path; so it can be readily seen that George A. Smith was very familiar with this projected national railroad across the continent, that there was "no joke" in his bill, and that he "never was more in earnest."

The memorial to Congress was given in an early chapter of this history, as among the first doings of our Territorial Legislature; but its points are so needful here before the eye of the reader that the memorial must be repeated. It was approved and signed by Governor Young, March 3d, 1852.

"*To the Honorable the Senate and House of Representatives of the United States in Congress assembled:*

"Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the establishment of a national central railroad from some eligible point on the Mississippi or Missouri River, to San Diego, San Francisco, Sacramento or Astoria, or such other point on or near the Pacific coast as the wisdom of your honorable body may dictate.

"Your memorialists respectfully state that the immense emigration to and from the Pacific requires the immediate attention, guardian care, and fostering assistance of the greatest and most liberal government on the earth. Your memorialists are of the opinion that not less than five thousand American citizens have perished on the different routes within the last three years, for the want of proper means of transportation. That an eligible route can be obtained, your memorialists have no doubt, being extensively acquainted with the country. We know that no obstruction exists between this point and San Diego, and that iron, coal, timber, stone, and other materials exist in various places on the route; and that the settlements of this Territory are so situated as to amply supply the builders of said road with material and provisions for a considerable portion of the route, and to carry on an extensive trade after the road is completed.

"Your memorialists are of opinion that the mineral resources of California and these mountains can never be fully developed to the benefit of the United States, without the construction of such a road; and upon its completion, the entire trade of China and the East Indies will pass through the heart of the Union,

thereby giving to our citizens the almost entire control of the Asiatic and Pacific trade; pouring into the lap of the American States the millions that are now diverted through other commercial channels; and last, though not least, the road herein proposed would be a perpetual chain or iron band, which would effectually hold together our glorious Union with an imperishable identity of mutual interest, thereby consolidating our relations with foreign powers in times of peace, and our defense from foreign invasion, by the speedy transmission of troops and supplies in times of war.

"The earnest attention of Congress to this important subject is solicited by your memorialists, who, in duty bound, will ever pray."

On the 31st of January, 1854, there was another movement of the people for a Pacific Railroad. The citizens of Salt Lake and surrounding country, men and women, gathered *en masse* to make a grand demonstration in its favor.

There are numerous points in the foregoing remarkable document which should attract the notice of American statesmen.

1st. A transcontinental railroad was contemplated by these Mormon pioneers, who had crossed the Plains and had actually, day by day, in the spring and summer of 1847, indicated the very track of the coming railroad; and it is a curious fact that for several hundred miles the grade of the great transcontinental railroad is made upon the old Mormon road.

2d. The pioneers contemplated that their people would be its builders; and a clear bid was made to Congress to draw on Utah for laborers, material (such as ties, rock, station houses, etc.) and provisions, to build the road midway east and west, should Congress undertake this "*national central railroad.*" Such an undertaking of the Nation, in 1852, would have lifted Utah to a pinnacle and enriched her citizens more than would the gold of California had they settled that country. The proposition shows a masterly hit of local political economy.

3d. These memorialists not only suggested to the Nation, her duty toward her citizens who were establishing foster empire in the West, "five thousand" of whom had "perished on the different routes within the last three years, for the want of proper means of transportation;" but they exhibited to the Nation her own paramount interests in the construction of this railroad to be owned by the United States.

4th. With great sagacity of pioneers, they tell Congress that the mineral resources of California and "these mountains can never be fully developed to the benefit of the United States, without the construction of such a road," which point shows that the memorialists *did expect* Utah to become a mining Territory; while the counter exposition would show that these leaders desired to make their people builders of railroads, agriculturists, manufacturers, iron workers, etc., not miners of gold or silver.

5th. "Upon its completion the entire trade to China and the East Indies will pass through the heart of the Union," etc.

6th. "And last, though not least, the road herein proposed would be a perpetual chain or iron band, which would effectually hold together our glorious Union with an imperishable identity of mutual interest." A very palpable warning was this, that unless the East did mind the interests of the great though youthful

West, the West would surely growl and perchance in time dissolve partnership; and it may be considered very applicable to the present debated silver question.

We do not think there is anything in the national archives, nor in the congressional records, as early as 1852, relative to a projected railroad across the continent, so striking and suggestive as this memorial on such a railroad, which proceeded from the Utah Legislature of that date; and its pertinency to the U. P. and C. P. in 1869, when Brigham Young and the Mormons became contractors and builders of the Utah centre of those lines, is as a close connecting link of the history of the railroads which now unite the two halves of this continent in "a perpetual chain or iron band."

On the incorporation of the Union Pacific, Brigham Young was a stockholder in the company; and, as soon as it approached toward our local working distance, Brigham Young became a chief contractor. With himself he associated John Sharp, as his principal sub-contractor on the Union Pacific Railroad, and with them was also associated Joseph A. Young. Under this contract Sharp & Young did the heavy stone work of the bridge abutments, and the cutting of the tunnels of Weber Canyon. In this work they employed from five to six hundred men, and the contract amounted to about a million of dollars. Afterwards, during the strife between the Union Pacific and the Central Pacific, another contract was taken for Sharp & Young on the Union Pacific, on which they employed four or five hundred men, the contract amounting to $100,000. There were also numerous other sub-contractors engaged under President Young in building this line.

During their work on the U. P. R. R., these now fairly trained Utah railroad builders projected the Utah Central, and they urged the policy on capitalists of their own community to secure the routes and built the home railroads, and not leave these enterprises open to either Eastern or Western companies.

After the completion of the U. P. and C. P., there arose a difficulty with the U. P. Company in the payment of their indebtedness to the Utah contractors, which in the sequel greatly facilitated the building of the Utah Central. In these difficulties of the settlement between Brigham Young and the U. P. Co., John Sharp, John Taylor and Joseph A. Young were chosen to go to Boston to bring the business to an issue; and so vigorously, yet prudently, did they press the matter with Durant and others that, in the lack of the Company's funds, Brigham got $600,000 worth of railroad stock, which was used in the construction of the Utah Central.

The Utah Central Railroad Company was organized March 8th, 1869, by the following stockholders:

Brigham Young, Sen., Joseph A. Young, George Q. Cannon, D. H. Wells, Christopher Layton (Kaysville), Bryant Stringham, D. P. Kimball, Isaac Groo, D. O. Calder, George A. Smith, John Sharp, Sen., Brigham Young, Jr., J. W. Young, William Jennings, Feramorz Little, James T. Little. Brigham Young was elected president. Ground was broken May 17th, 1869.

The next important event in the history of Utah was the laying of the last rail of the Utah Central. The completion of the Union and Central Pacific lines was a national event affecting greatly the destiny of Utah as well as that of the

entire Pacific Coast; but the completion of the Utah Central was the proper local sign of radical changes, affecting the mining and commercial enterprises of our Territory, as well as the every day life of our citizens. That event put the Territory *en rapport* with the age of railroads, and a world of expansion came to Mormondom with the laying of the last rail in Salt Lake City, and a community, originally formed in a state of isolation, appreciated at once that henceforth the hand of the East and the hand of the West were joined with Utah and fifty millions of people were at her door.

It was January 10th, 1870: the weather was cold; a heavy fog hung over the City of the Great Salt Lake; but the multitude assembled, and by two o'clock P. M. there was gathered around the depot block not less than fifteen thousand people. As the train with the invited guests from Ogden, and other Northern settlements, came dashing toward the end of the track, shouts arose from the assembled city. A large steel mallet had been prepared for the occasion, made at the blacksmith shop of the public works of the Church. The "last spike" was forged of Utah iron, manufactured ten years previously by the late Nathaniel V. Jones. The mallet was elegantly chased, bearing on the top an engraved bee-hive (the emblem of the State of Deseret) surrounded by the inscription, "Holiness to the Lord," and underneath the bee-hive were the letters U. C. R. R.; a similar ornament consecrated the spike. The mallet and spike were made and ornamented by James Lawson. The sun, which had hid himself behind the clouds during the whole day, burst forth as in joy to witness the event of the laying of the last rail almost at the very instant. It was like a glad surprise, and the assembled thousands took it as a happy omen. The honor of driving the last spike in the first railroad built by the Mormon people was assigned to President Young.

On the platform car, during the performance of the ceremonies of consecration of the road, were the following gentlemen:

Of the Utah Central: Brigham Young, president; William Jennings, vice-president; Daniel H. Wells, Christopher Layton and Feramorz Little, directors; Joseph A. Young, general superintendent; John W. Young, secretary; also of the Mormon Presidency and Apostles, Orson Hyde, John Taylor, Orson Pratt, Wilford Woodruff, C. C. Rich, Lorenzo Snow, F. D. Richards, George Q. Cannon, Brigham Young, jun., and Joseph F. Smith.

Of the Union and Central Pacific Roads: J. E. McEwin, Esq., master mechanic C. P. R. R.; G. Cornwall, Esq., conductor, Utah Division, C. P. R. R.; James Campbell, Esq., division superintendent, Utah Division, C. P. R. R.; C. C. Quinn, Esq., master mechanic, U. P. R. R.; T. B. Morris, Esq., engineer, Utah Division, U. P. R. R.; Charles Carr, Esq., asst. supt., Utah Division, U. P. R. R.; J. McCormick and S. Edwards, Esqs., agents, U. P. R. R.; G. B. Blackwell, Esq., agent Pullman's palace cars; Walter McKay, Esq., cashier, U. P. R. R.

Col. F. Anderson, special correspondent of the New York *Herald* occupied a seat at the reporters' table.

From Camp Douglas: Gen. Gibbons, Col. Hancock, Col. Spencer, Capt. Hollister, Major Benham, Lieut. Benson, Lieut. Brandt, Lieut. Jacobs, Lieut. Graffan, Lieut. Wright.

The Camp Douglas, Capt. Croxall's and Ward brass bands; also Capt. Beesley's martial band were in attendance.

After the performance of the ceremonies, which took place about 9 minutes past 2 o'clock, a salute of thirty-one guns—one for each mile of the road, was fired, when Capt. Croxall's brass band burst forth with enlivening strains, after which the following prayer was offered by Elder Wilford Woodruff:

"O God, our Eternal Father, we have assembled on this occasion to celebrate one of the greatest and grandest events of the generation in which we live, and we offer up the gratitude of our hearts, with thanksgiving, for Thy merciful and protecting care that has been over us. When we were led into these valleys by Thy servant Brigham, twenty-two years ago, we found them a perfect desert, inhabited only by wild beasts, and a few red men who roamed over the plains. To-day, we behold teeming thousands of the Anglo-Saxon race, many of whom have assembled here to celebrate the completion of a line of railroad into this city, which has opened up commerce between us and all the world. Thou hast enabled Thy Saints, who have gathered here from the nations of the earth, to fill these valleys of the mountains with 600 miles of cities, towns, villages, gardens, orchards, and fields, and the desert has been made to blossom as the rose. We should be recreant to our duties did we not acknowledge the hand of Thee, O God, in Thy protecting care over us, which has enabled us to assist in leveling these mountains and in laying an iron band which has bound this continent together from ocean to ocean, and has made all the various States and Territories of this mighty nation neighbors to each other. For all these blessings we feel to render the gratitude of our hearts unto Thee; and we pray that Thy blessings may rest upon us this day.

"We dedicate this railroad unto Thee, the Lord our God; we pray that Thy blessings may rest upon it, and upon those who have erected and labored upon it. We thank Thee for the peace and quietude that we have enjoyed for many years that we have dwelt in these valleys of the mountains. Continue Thy blessings, O God, we beseech Thee, unto the inhabitants here and throughout the nation.

"These favors and blessings we ask in the name of Jesus Christ, our Redeemer. Amen."

The following speech was made by Hon. George Q. Cannon, on behalf of President Brigham Young:

"Whilst joining in the pleasing ceremonies of this eventful and auspicious day, our minds naturally revert to the circumstances which led this people to undertake their weary, but hopeful journey across the desert plains and rugged mountains to these, then sterile valleys—to our condition at the time of our advent here, poor, and destitute of the common necessities of life; driven from our homes and posessions and bereft of all that makes life comfortable, in consequence of our faith in God and in his son Jesus Christ, and our obedience to his holy gospel, and without a friend in this wide world to whom we could look for help, except God, our heavenly father, alone, on whom we could rely.

"Since the day that we first trod the soil of these valleys, have we received any assistance from our neighbors? No, we have not. We have built our homes,

our cities, have made our farms, have dug our canals and water ditches, have subdued this barren country, have fed the stranger, have clothed the naked, have immigrated the poor from foreign lands, have placed them in a condition to make all comfortable and have made some rich. We have fed the Indians to the amount of thousands of dollars yearly, have clothed them in part, and have sustained several Indian wars, and now we have built thirty-seven miles of railroad.

"All this having been done, are not our cities, our counties and the Territory in debt? No, not the first dollar. But the question may be asked, is not the Utah Central Railroad in debt? Yes, but to none but our own people.

"Who has helped us to do all this? I will answer this question. It is the Lord Almighty. What are the causes of our success in all this? Union and oneness of purpose in the Lord.

"Having by our faith and unaided labors accomplished the work and achieved the triumph, which we to-day celebrate, we are now asking the parent Government to sanction our labors in this commendable work, and the people of this Territory are also asking to be admitted as a sovereign State into the Union, with all the rights and privileges of a State government, and I move we have one. Let all in favor of it say 'Aye.'" A unanimous "Aye" from the assembled thousands was the response.

"We have felt somewhat to complain of the Union Pacific Railroad Company for not paying us for the work we did, in grading so many miles of their road. But let me say, if they had paid us according to agreement, this road would not have been graded, and this track would not have been laid to-day. It is all right.

"To our friends of the Union and Central Pacific Railroads, we offer our congratulations on their success in their mighty enterprise. Receive our thanks for your kindness to our company; for, so far as I have learned, you have refused us no favor. Let us be one in sustaining every laudable undertaking for the benefit of the human family; and I thank the companies for their kindness to us as companies, as superintendents, as engineers, as conductors, etc.

"I also thank the brethren who have aided to build this, our first railroad. They have acted as elders of Israel, and what higher praise can I accord to them, for they have worked on the road, they have graded the track, they laid the rails, they have finished the line, and have done it cheerfully 'without purse or scrip.'

"Our work is not one for individual benefit, but it is an aid to the development of the whole country, and tends to the benefit and prosperity of the whole nation of which we form a part.

"To all present I would say, let us lay aside our narrow feelings and prejudices, and, as fellow-citizens of this great republic, join in the celebration of this happy day.

"May the blessing of Heaven rest upon us all."

Telegrams expressing regret at their inability to accept the invitation of President Young to be present at the celebration, were read from Governor Stanford, president; A. M. Towne, Esq., general superintendent; and S. S. Montague, chief engineer, of the Central Pacific road. Music from the Camp Douglas Band.

The vice-president of the Utah Central, being called upon for a speech, the following response was made by William Jennings:

"*Ladies and gentlemen:* I stand before you this day with feelings in my breast which I feel myself inadequate to express. I am proud that I am a citizen of Utah, and that I am participating with you in this celebration of laying the last rail and driving the last spike of the Utah Central,—the first line of railroad that has been constructed in this Territory. I am proud to think that the last spike in the last rail of the Utah Central is constructed of our native iron; but more because of the wonderful progress in the development of our Territory that has been made since our arrival here, twenty-two years ago. (Cheers.) The construction of thirty-seven miles of railroad may, in the eyes of some, seem but a trifling affair: but when the inconveniences attending our isolated position are considered, and it is remembered that we have not had the ready facilities of commerce enjoyed by those who live on or near the sea-board of the Atlantic or Pacific, and that the Utah Central is the result of home enterprise, and has been constructed solely by the laboring population of Utah, I think it is justly entitled to be considered a great enterprise. The Union and Central Pacific lines and almost every line of railroad throughout the country, have had to be assistad largely by State or National aid, when in course of construction; but the Utah Central has had neither, but is the result of the enterprise, unity and labor of the people of Utah. I feel proud of the achievement, and on this occasion, I wish to express my joy and pleasure at being one with you.

"To the workmen who have aided in the construction of this road, I tender my thanks. I have been with and travelled amongst them a great deal during the past summer, and I am happy to be able to say that they have labored contentedly and with a spirit becoming Latter-day Saints.

"I hope that we shall soon see the day when the 'iron horse' will not only place us in direct communication, as it does to-day with San Francisco in the west, and Boston and New York and all the principal cities of the east, but that there may soon be a chain of railways extending to every city in Utah and through our neighboring Territories of the Rocky Mountains."

A salute of one gun and music by martial band, were followed by a speech from superintendent of Utah Central Railroad, Jos. A. Young:

"I can say to you who hear me to-day, that speaking is not my *forte*,—the part I have taken in connection with the building of this railroad has been the working part and not the speaking part. But I feel proud to-day that I have lived to witness the consummation of this great event in our history as a people. When we came to these valleys over twenty years ago, barefooted, almost without clothing, without provisions, trusting on the arm of God for aid and protection, we found the country barren and desolate, and we have need to be thankful to our Heavenly Father that we have lived to take part in the laying of the last rail and driving of the last spike of the Utah Central Railroad. I consider it something that we, as a people, may justly proud be of. We have been accused of being exclusive. Where is our exclusiveness now? We invite the East and the West, the North and the South to come up to Zion and learn of her ways. The more our

actions and works, as a people, are investigated, the higher we stand in the estimation of those whose good opinion is worth having. (Cheers.) I hope that the last spike of this road will be but the first of the next, which shall extend from this place to the Cotton Country (Dixie) and I trust to live to see the day when every nook and place in this Territory, that is capable of sustaining human beings, will be settled with good, honest, hard working people, and that the same will be accessible by railroad, that we may travel from one settlement to another and carry our passengers in comfortable cars; and thus show those who want to know, what we are doing." Salute of one gun and music by the Tenth Ward Brass Band.

Col. B. O. Carr, of the Union Pacific line was then introduced to make a speech. After presenting the regrets of Superintendent Meade, at his inability to be present, the following remarks were made by Mr. Carr:

"This is an occasion of congratulation to all of you, but to us who are strangers, it is more of an occasion of wonderment than anything else. We, who have come recently from the East, never expected to find anything like this in this country. It is something like forty years since the first railroad was laid in the United States, and twenty years ago there were only six thousand miles laid in this vast country; but when the Union and Central Pacific lines were completed there were over forty thousand miles. The Utah Central Railroad, although only thirty-seven or thirty-eight miles long, is perhaps the only railroad west of the Missouri River that has been built entirely without Government subsidies; it has been built solely with money wrung from soil which, a few years ago, we used to consider a desert, by the strong arms of the men and women who stand before me. And almost everything used in its construction, but especially the last spike, is the product of the country.

"Your superintendent, Mr. Young, said that you are not an exclusive people; but I think, ladies and gentlemen, that you are very much so, so far as the western country is concerned, in accomplishing so much as you have with so little means and so few advantages to do it. (Great cheering). All that I have to say further in regard to exclusiveness, is that I cannot imagine how any man, whether 'Mormon,' 'Gentile,' saint or sinner, can do other than feel happy at the completion of this road. I wish it the utmost success on its journey to the far South."

Salute of one gun, and music by Capt. Croxall's Brass Band.

Chief Engineer of the Western Division of the U. P. R. R., T. B. Morris, Esq., was introduced, and addressed the assembly:

"I have but one word to say to the working men of Utah, and that I will say briefly: I have been fifteen years engaged in railroad business; but I have never seen a single road made to which capitalists did not contribute their money, or the responsibility of which did not fall upon the Government or the State in which said road was made. But here, nearly forty miles of railroad have been built, every shovel full of dirt of which has been removed by the working men of Utah, and every bar of the iron of the road has been placed in position by their labor. (Loud cheers.) You can publish to the world that the working men of Utah built and own this road.

"I have said one thing, and I want to say one thing more. Do not stop

where you are. When you laid the last two rails to-day, they stuck out a little. That means—"Go on!"

Salute of one gun, and music by Camp Douglas Band, succeeded by the following remarks from John Taylor.

"I am glad to meet with such a large assemblage of people as are present to witness and take part in so important an event as that which has brought us here to-day. Like you all, I have been very much interested in the completion of this railroad. I hope to see the time when this city will be connected with the remotest parts of our Territory by railroads, that we may meet the cars in every settlement. We have but one railroad among us for the time being; but there is a long one east and another west, and we can go east and west; and by and bye we shall be able to go north and south and stretch out in every direction. Our course has been onward and will continue to be so from this time forth and forever. I will conclude by saying, success to the Utah Central Railroad."

Music by the martial band.

Mr. Campbell, superintendent of the Utah Division of the Central Pacific was next introduced, and made a short, and we are informed a very good speech, but we regret to say that his remarks were inaudible and we were unable to report them.

Speeches were expected from Hons. G. A. Smith, D. H. Wells, and Geo. Q. Cannon; the former requested to be excused on account of indisposition, the two latter were excused because of the length of exercises and the very cold weather.

Benediction was pronounced by Elder H. W. Naisbitt, and the immense concourse of spectators quickly dispersed.

The following toasts and sentiments were handed in:

"Utah Central Railroad extends her iron hand of welcome to the East and West."

"Our Railroad—The first fruits of the marriage of the oceans."

"Prest. B. Young—Our Pioneer in Peace, Art and Science, and all that is the true wealth of Utah."

"The U. C. R. R.—May her last tie soon be bedded on the soil of the State of Deseret."

The Utah Central road was opened for traffic on January 10th, 1870. It continued under the presidency of Brigham Young, Sen., for a short time and then his son, Superintendent Joseph A. Young, succeeded his father as president of the company; but in February (17th), 1871, he resigned the presidency and his original office of general superintendent, when his father resumed the presidency and Feramorz Little was appointed superintendent. John Sharp succeeded Little in 1871, and in 1873 he was elected president of the company, as well as continued in the superintendency of the road.

The Utah Southern was the second local railroad enterprise in which our citizens engaged; for it is worthy of particular remark that the community co-operated with all their faith and means to build these home railroads, under the counsel and management of their leading men.

The Utah Southern Company was organized January 17th, 1871, by the following named stockholders:

Joseph A. Young, William Jennings, John Sharp, John Sharp, Jr., Feramorz Little, James T. Little, LeGrande Young, L. S. Hills, S. J. Jonassen, Thomas W. Jennings, James Sharp, Geo. Swan, Jesse W. Fox, D. H. Wells, C. Layton. William Jennings was elected president of the company, John Sharp, vice-president and Feramorz Little, superintendent. Jennings afterwards resigned the presidency and was succeeded by Brigham Young, who, however, soon gave place to William Jennings again, and under this management the road was run until the re-incorporation of the Utah Southern under the control of the Union Pacific.

On the first of May, 1871, the Utah Southern ground was broken. The road was opened for traffic to Sandy, 13 miles from Salt Lake, in September, 1871; to Lehi, 31 miles from Salt Lake, September, 23d, 1872; to Provo City, 48 miles, in December, 1873; to York, 75 miles, April 1st, 1875; to Juab, 105 miles from Salt Lake, June 15th, 1879.

The Utah Southern, running through a rich agricultural country, passing a line of the most flourishing settlements of the Territory, greatly developed the South, created a reciprocal commerce between it and Salt Lake City, and from the onset was a profitable and well managed road.

The Utah Southern Railroad Extension was organized January 11th, 1879, by the following named stockholders:

Sidney Dillon, Jay Gould (New York); S. H. H. Clark (Omaha); A. G. Campbell, Matthew Cullen (Frisco, Utah); John Sharp, W. H. Hooper, William Jennings, L. S. Hills, Feramorz Little, J. T. Little, H. S. Eldredge; with Sidney Dillon president.

The Utah Southern Extension was commenced at Juab and rapidly pushed through to its terminus. The road was opened for traffic to Deseret, 52 miles from Juab, November 1st, 1879; to Milford, 121 miles, May 15th, 1880; to Frisco, 137 miles, June 23d, 1880.

The Horn Silver Mine was the cause of the Utah Southern extension which was built to this mine. Campbell, Cullen, Ryan and Byram built one-quarter of the road and they were also its chief promoters.

The Utah Central Railroad, the Utah Southern Railroad, and the Utah Southern Railroad Extension were consolidated under the name of Utah Central Railway Company, July 1st, 1881, with the following named directors:

Sidney Dillon, Jay Gould, Frank O. Brown (New York); Fred L. Ames (Boston); John Sharp, Feramorz Little, William Jennings (Salt Lake City); S. H. H. Clark (Omaha); William B. Doddridge (Evanston, Wyoming). Sidney Dillon was elected president; John Sharp, vice-president and general superintendent; James Sharp, assistant general superintendent; Geo. Swan, secretary; L. S. Hills, treasurer; Francis Cope was appointed freight and passenger agent, and Jesse W. Fox, chief engineer.

This consolidation of the two parent lines with the Southern Extension gave an aggregate extent of 280 miles, running from Ogden to Frisco under one management.

The Union Pacific Company holds the control, but Utah has the distinction

of a voice among the directors of the U. P. Co. In the preparation for the building of the Utah Southern, in 1871, John Sharp went east as the purchasing agent for this company; and becoming extensively associated with the Union Pacific directors, he was finally elected one of them. In March (25th), 1885, he was again elected one of the directors of the U. P. R. R., the board of which stands at the present thus:

C. F. Adams, F. L. Ames, Jr., Elisha Atkins, Ezra S. Baker, F. G. Dexter, Mahlon D. Spaulding, S. R. Callaway, Gen. G. M. Dodge, Henry H. Cook, Sidney Dillon, David Dows, Andrew H. Green, John Sharp, Hugh Riddle, James A. Rumrill.

### THE UTAH NORTHERN.

The Utah Northern, now known at the Utah & Northern Railroad, like the Utah Central and Utah Southern, was eminently a home enterprise. Its builders were the Mormons, and the people certainly expected, when they constructed these roads, becoming stockholders for their labor, etc., that they would permanently own and control them; and so undoubtedly did the organizers and contractors. But subsequent experience proved to all concerned that in Utah, as elsewhere, these local roads were sure, from their very necessities of extension, to pass out of the hands of the original owners and incorporators, into the control of the great railroad companies of the country that are spreading their gigantic hands over these Western States and Territories, as their fellows had before done over the railroads of the Eastern States.

John W. Young, in the spring of 1868, had boldly launched out in taking contracts in the building of the Union Pacific and Union Central Railroads, which netted him from forty-five to fifty thousand dollars. This result, coupled with his natural genius for railroad building, encouraged him to engage in the more comprehensive railroad enterprises which grew out of his projects; and though his projects and operations for a while fell into disrepute, when his roads passed into the hands of the Union Pacific company, they became numbered with the permanent railroads of the West.

After taking a prominent part with his brother, Joseph A. Young, under their father, in organizing and building the Utah Central, serving for some time as secretary and treasurer of the same, and next taking part in the organization of the Utah Southern, he started for the Eastern States to induce capitalists to take hold of a particular project of his own conception, as applied to the railroad system of Utah. Despite the adoption of the popular gauge by the other roads in Utah, Mr. Young, with genuine sagacity as to the future requirements of the railroad system of the Rocky Mountain region, had the nerve to adopt the narrow-gauge on the Utah Northern and Utah Western. He succeeded in obtaining the potent financial help of Mr. Joseph Richardson, an eastern capitalist, who undertook to purchase the iron and equip the road. Mr. Richardson forthwith came to Salt Lake City to consult with President Young, who heartily endorsed the enterprise and undertook to enlist the co-operation of the people of the North to build the narrow-guage road projected by his son. This much ensured, Mr. Richardson, with John W. Young and George W. Thatcher, proceeded to Logan, where the project met great popular enthusiasm. The following telegraphic messages (fur-

nished to the author) between Bishop Preston and President Young, relative to the probable ultimate control of the road, will to-day be very suggestive of the Bishop's sagacity :

*Copy of telegraphic message from Bishop Preston to President Young and answer in regard to the building of the U. N. R. R.*

"LOGAN, AUGUST 15th, 1871.

"*Prest. B. Young, Salt Lake City:*

"Will it be wisdom for us in Cache County to grade and tie a railroad from Ogden to Soda Springs, with a view to Eastern capitalists ironing and stocking it, thereby giving them control of the road? The people feel considerably spirited in taking stock to grade and tie, expecting to have a prominent voice in the control of it; but to let foreign capitalists iron and stock it will, if my judgment is correct, give *them* control.

"W. B. PRESTON."

THE ANSWER.

"SALT LAKE CITY, AUGUST 15th, 1871.

"*Bishop Preston, Logan:*

"The foreign capitalists in this enterprise do not seek the control; this is all understood. What they want, and what we want, is to push this road with all possible speed, if you decide to have one, so that it shall run through and benefit your settlements and reach Soda Springs as soon as possible.

"BRIGHAM YOUNG."

In a few days after the receipt of this telegram, Bishop Preston called together the leading citizens and laid before them the railroad project; whereupon they voted that they would go to work and build the railroad, and take stock for grading and tieing the road.

The organization of the company to build this road was effected August 23d, 1871, with John W. Young, president and superintendent, and Bishop Preston, vice-president and assistant superintendent.

In less than a month later, ground was broken at Brigham City, Box Elder County. The first rail was laid at Brigham Junction, March 29th, 1872; and the road was completed to Logan January 31st, 1873, and completed to Franklin, Idaho, in May, 1874, which for a number of years thereafter was its northern terminus. A branch line of four miles, extending the Utah Northern to Corinne was completed on June 9th, 1873, and the road was extended south to Ogden, and opened for traffic February 8th, 1874.

John W. Young was soon succeeded in the superintendence of the road by Moses Thatcher, who conducted its affairs with marked satisfaction to the company and the public until he was succeeded by M. W. Merrill. January, 1877, George W. Thatcher was appointed superintendent. In February, 1879, the Utah Northern went out of the hands of the old company into the hands of the Union Pacific, and the Utah & Northern R. R. (its present name) had then grown into gigantic proportions.

Up to the date of its passage into the hands of the Union Pacific Company, Bishop Wm. B. Preston was vice-president of the Utah Northern, and the people

of Cache Valley principally owned the road. It was sold at a great sacrifice; but the new company for awhile paid due respect to the former ownership by retaining George W. Thatcher in the superintendency. And here it seems due to the local management to make note of its efficiency. The Salt Lake *Tribune* said:

"Under the superintendency of George W. Thatcher, Esq., the Utah & Northern R. R. is the best conducted road in the country." A correspondent of the *Tribune*, of date July, 1881, says, "Superintendent Thatcher is congratulated for his rare executive ability. With a division nearly four hundred miles in length —the longest on the Union Pacific line—he has worked thirty-eight locomotives, pushed the construction, running timber, iron and supplies, avoided all delays in shipment of the enormous freight going to the front, gathered hundreds of car loads of rock from alongside the road by the section hands for the foundations of Eagle Rock,—and all this while experiencing difficulties in changing hands, the constant changing of the nomads experienced in railroading, etc. * * * Mr. Thatcher—probably the youngest division superintendent of the Union Pacific Company—has more than average chance of becoming one of the leading railway men of the West."

The special correspondent of the *Dubuque Herald*, in reporting "A trip to the Great West," in company with Assistant Attorney-General Joseph K. McCammon, of the United States, Thomas L. Kimball, assistant manager of the Union Pacific, and other distinguished personages, wrote thus of Superintendent Thatcher, who accompanied them: "But I feel personally under special obligations to Mr. Thatcher, of Logan, Utah, superintendent of the Utah Northern Railway. His courtesy and kindness was not the veneering of ordinary politeness; it was the thoughtfulness and consideration that come from the heart of a man, who, of whatever creed or position in life, is 'a man for a' that,' and who regards every other human being, of whatever color or condition, to be 'a man for a' that.'"

"The party in question was sent out by the government to make a treaty with the Indians. McCammon, in behalf of the government, went out with these railroad chiefs to attend a council of the Indians occupying the Ross Fork Reservation, to learn their feelings in regard to the grant of right of way to the Oregon Short Line Railway.

"One other testimonial from the journalistic mouthpiece of our local papers: The Salt Lake *Herald* says: 'It is paying a deserved compliment to the superintendent, George W. Thatcher, Esq., to say that the road is well managed. It is seldom that a man in his position can do his duty to the company and retain the genuine esteem of the employees; but Mr. Thatcher possesses the faculty which enables him to do this. The road is carefully managed and most efficiently conducted; accidents rarely, if ever, occur, and every possible emergency is provided for. Mr. Thatcher's knowledge of the community through which the road runs, enables him better than any other to fill his position; while his long connection with the road and his natural aptitude for the business, have given him an experience which is indispensable in a man in his position and renders his service of great value.'"

Under the management of the Union Pacific Company the road was rapidly extended to Butte, Montana, a distance of 416 miles from Ogden. It was next extended to Anaconda and Garrison where it connects with the Northern Pacific.

The general travel on this line is through Cache Valley, Idaho, to the Soda Springs, the mines, and to all parts of Montana, and also to the Yellowstone National Park. It crosses the Oregon Short Line at Pocatello, by which route the passenger is brought within forty hours of Portland, Oregon. This road has done much for the development of northern Utah, and everything for the development of Idaho and Montana. It is accounted the best paying road of the Union Pacific, and is a narrow gauge, which gives plausibility to the "pet idea" of Mr. John W. Young, the projector of the Utah Northern, that the narrow gauge is the railroad system best adapted to these mountain regions. At present W. B. Doddridge is the superintendent of the road, with W. P. P. St. Clair division superintendent.

### THE DENVER & RIO GRANDE WESTERN RAILWAY.

A Utah corporation was organized July 21st, 1881, by the consolidation of three companies—namely: the Sevier Valley Railway Company, Salt Lake and Park City Railway Company, and the Denver & Rio Grande Western Railway. William Palmer was and is to date, January, 1886, the president of the amalgamated lines; M. T. Burgess was the first engineer, but he was succeeded by George Goss, under whose direction most of the construction was accomplished. Henry Wood was the first superintendent; he was succeeded by W. H. Bancroft. This railway was leased, August 1st, 1882, to the Denver & Rio Grande Railway Company of Colorado, which company in July, 1884, repudiated the lease, since which time the property has been in the hands of the court with W. H. Bancroft as receiver.

The Salt Lake *Tribune* in its issue of January 1st, 1886, gives the following epitome of the road and its management:

"The Denver & Rio Grande system of railways is very intimately connected with the business of Salt Lake. Starting at Ogden, where it has a connection with the Central Pacific, and thus forms a link in a transcontinental line, it passes southward along the borders of the Great Lake, past Salt Lake City, skirts that pretty Lake Utah, goes past pretty towns and villages in this great valley, then passes up Spanish Fork Canyon, and climbing Soldier Summit, the rim of this Basin, descends into the valley of Green River. All along it is one panorama after another, of beautiful scenery until the Wasatch Range is passed, and the passenger comes into desert lands. Even there, one finds much of interest, while whirling through the country. The Denver & Rio Grande Western stretches from Ogden to Grand Junction, Colorado, a distance of 346 miles, while its Bingham, Alta and Pleasant Valley branches bring the road up to about 400 miles in length. This road is well equipped in every particular. Built in haste four years ago, it has since been improved from time to time, until brought up to first class standard. It early history was marked with troubles from which it has emerged with wonderful alacrity, proving that the present management is equal to the situation. When the road passed into the hands of W. H. Bancroft, receiver, he found plenty to do. During the past year he has had erected thirty new Howe truss

bridges, and spanned Green River with an iron bridge 1,100 feet long. This four span bridge alone cost over $40,000, while the entire cost of new bridges the past year aggregates $125,000. To the rolling stock two first class passenger engines were added.

"When the road was placed in the hands of Receiver Bancroft he was authorized by the court to make these improvements, and if the earnings of the road were not ample to pay for them, issue certificates for their payment. All the improvements and purchases made so far have been paid for out of the earnings and not a single certificate has been issued by the receiver. Besides the improvements named, there has been much spent in placing the road-bed in good condition. Curves have been lengthened, grades improved, and the track in many places removed to better ground, so that the entire system is of a high standard of excellence. The eating houses have also been greatly improved. The fact that all has been paid for out of the earnings, and that there remains a large bank account to the credit of Receiver Bancroft, speaks volumes for his management of the affairs of the company.

While the D. & R. G. W. is our local road, its close connection with the Denver & Rio Grande, or Colorado system, seemingly unite the two systems in one, although operated under different managements. The latter system is also in the hands of a receiver, who has been doing equally good work for his company. Besides making improvements in bridges, track, rolling stock, etc., all paid out of the earnings, Receiver W. S. Jackson has also paid the interest on the first mortgage bonds. The earnings were the past year, between 25 and 35 per cent. in excess of the preceding year.

Take the two systems together, and theirs is the grandest scenic route of the world. While the Utah system has in its lakes, valleys, cities, and mountains enough to interest any lover of the beautiful and grand, the Colorado system, with its Black and Grand Canyons, Marshall Pass, and scores of other wonderful objects, offers to the tourist more that is grand and beautiful than is found any where else in the world. And yet this may all be seen while riding through the country at thirty or forty miles per hour in palace coaches, and with such ease and luxury as to not weary. Nearly all the wonderful and noted pleasure resorts of Colorado may be reached by the Denver & Rio Grande, either on the main line, or by some of its numerous branches, which climb mountains or run into canyons a few years ago thought to be inaccessible to steam railways. Besides being a great scenic route the road offers good and safe passage between the east and west, with close connections at Pueblo with the Atchison, Topeka & Santa Fe, and at Denver with the Union Pacific and Chicago, Burlington & Quincy. The officers of the D. & R. G. W., with headquarters in this city, are W. H. Bancroft, receiver; A. L. Horner, assistant superintendent, and S. W. Eccles, general freight and passenger agent.

### THE UTAH & NEVADA RAILWAY.

The road was commenced in 1872; work was suspended in 1873, when some 20 miles had been completed, but was resumed and the road extended to Stockton, its present terminus. Though but a short line, it is a very important one to the interests and prospects of our city. Indeed in some respects it may be considered more

than any other line the Salt Lake local railroad; for though there is prospect of its extension, it has become most famous as the summer excursion line to the chief bathing places of the Salt Lake. Running due west it strikes the Great Salt Lake at a point twenty miles distant, where is located the bathing resorts of Black Rock, Garfield and Lake Point, then swinging round southwest the road continues on to near Stockton, tapping that prominent ore producing district.

We may here note in connection with this line some reminiscences of the Lake.

On the third day after their arrival in the Valley, a company of the pioneers, namely—Brigham Young, Heber C. Kimball, Willard Richards, Orson Pratt, Erastus Snow, Wilford Woodruff, George A. Smith, and six others, including Samuel Brannan of San Francisco, visited the Great Salt Lake at the identical bathing point of to-day. The Historian Woodruff, noting the incidents of their journey to the lake, wrote:

"We took our dinner at the fresh water pool, and then rode six miles to a large rock on the shore of the Salt Lake, which we named Black Rock, where we all halted and bathed in the salt water. No person could sink in it, but would roll and float on the surface like a dry log. We concluded that the Salt Lake was one of the wonders of the world."

Years later, when the Colfax party visited the same point, with the Salt Lake City Council, and with Mr. J. R. Walker and other prominent citizens, Mr. Bowles noted the visit very nearly in Woodruff's words: "We have been taken on an excursion to the Great Salt Lake, bathed in its wonderful waters, on which you float like a cork, sailed on its surface, and picnicked by its shores."

The bathing places of the Salt Lake undoubtedly are destined to become the most famous bathing places in the world, in which event our city in the summer season will be crowded with visitors from the States and Europe, and this Salt Lake excursion train to the lake will become as one of the great "institutions" of our city. It has for years carried from forty to fifty thousand people to bathe in the lake, during the summer season. Tourists universally pronounce a bath in the lake as being finer than that of any other waters they have ever bathed in, and year by year the lake has become more popular with our citizens. In the bathing season, our city is ever and anon awakened to an excursion enthusiasm by the joyous bands marching through the city to the train, calling the excursionists to hurry to the pleasures of the day at Black Rock, Garfield and Lake Point.

During the past year the company spent over $10,000 in improving grounds at Garfield and Lake Point, with the intention of making these places great bathing resorts; and the company proposes extensive improvements the coming season, such as better hotels, and they have in contemplation the introduction of warm baths in the winter, that the afflicted may have the benefit of those healing and invigorating waters.

W. W. Riter is the superintendent of the now famous excursion line, and S. F. Fenton is general passenger agent.

JOHN TAYLOR
JOS F SMITH
G Q CANNON
W H HOOPER
HORACE S. ELDREDGE
MOSES THATCHER
WILLIAM JENNINGS
JOHN HENRY SMITH
D O CALDER

## CHAPTER LXXXIII.

CIRCUMSTANCES THAT GAVE BIRTH TO Z. C. M. I. ITS INCORPORATION AND CONSTITUTION. REVIEW OF ITS HISTORY AND FINANCIAL STATUS UP TO JULY, 1885, BY THE CHURCH AUTHORITIES. THE DIRECTORS AND OFFICERS OF THE BOARD IN 1880. SUMMARY.

The development of the Utah mines in 1868–69–70, and the prospective changes both in our social and commercial relations which would surely follow the completion of the railroads to the Pacific coast, coupled with the antagonistic movements inaugurated against the policies of President Young, rendered it necessary that he should fortify the position of the Mormon community by a commercial combination of the entire people. Such were his views and the views of his apostolic compeers, and the community which they directed, in temporal as well as spiritual affairs, sustained them in the proposed commercial unity of the Church to hold her position in the rapidly changing circumstances of those times. Hence the organization of Z. C. M. I.

This commercial institution of the people was organized, as already noted, in the Winter of 1868; it commenced business in March, 1869, and was incorporated December 1st, 1870, upon an act passed by the Utah Legislature, which was approved by the Governor, February 18th, 1870. The first circular sent out to the people was in 1868, immediately after the meetings held at the City Hall and elsewhere to inaugurate a co-operative movement throughout the Territory. This circular is already a rare historical document, there being perhaps only one in existence to-day and that one preserved by the secretary of the Institution, Mr. Thomas G. Webber, and given now to the guardianship of history. The circular is opened with a title page bearing the Israelitish inscription of "Holiness to the Lord. Zion's Co-operative Mercantile Institution," and then follows:

"PREAMBLE.—The inhabitants of Utah, convinced of the impolicy of leaving the trade and commerce of their Territory to be conducted by strangers, have resolved, in public meeting assembled, to unite in a system of co-operation for the transaction of their own business, and for better accomplishment of this purpose have adopted the following:

"CONSTITUTION—Holiness to the Lord. Zion's Co-operative Mercantile Institution.

"*Sec. 1.*—This Association shall be known by the name and style of 'Zion's Co-operative Mercantile Institution,' and shall have perpetual succession.

"*Sec. 2.*—The objects of this Institution are to establish and carry on in Salt Lake City and such other places as may be determined by the board, the business of general merchandising.

"*Sec. 3.*—The capital stock of this Institution shall be three millions of dollars ($3,000,000) and may be increased to five millions, ($5,000,000) and be divided into shares of one hundred dollars ($100) each.

"*Sec. 4.*—The officers of this Institution shall consist of a president, vice-president, board of directors, secretary and treasurer, each and every one of whom shall be stockholders in this Institution.

"*Sec. 5.*—The board of directors shall consist of not less than five (5), nor more than nine (9) persons, including the president and vice-president, who shall be *ex-officio* members of the board.

"*Sec. 6.*—It shall be the duty of the president to preside at all meetings of the Institution and of the board, and to sign all documents, as are, or may be, prescribed by the constitution and by-laws, except certificates of dividends to stockholders. In case of absence or disability of the president, the vice-president shall perform the duties of the president, and in all meetings of the stockholders the president shall have the power to adjourn the meetings from time to time to accomplish the transaction of the business.

"*Sec. 7.*—It shall be the duty of the board to enact by-laws for the general management and direction of the business of this Institution and to procure suitable places for the transaction of the business by lease, purchase or construction; also so far as may be necessary, to employ and appoint committees, delegates, agents, attorneys and clerks to assist in carrying on the business and promoting the welfare of the Institution, and to discharge the same at pleasure.

"*Sec. 8.*—They shall also have full power to bargain, sell, convey and deliver under the seal or otherwise any and all species of property belonging to this Institution, which may not be needed for the business thereof, on such terms and conditions as they may deem for the best interest of the same; provided, that the sale of shares and merchandise shall be for cash only.

"*Sec. 9.*—It shall be the future duty of the directors to furnish quarterly statements of the business and balance sheets of the books for the inspection of the shareholders, the first to be furnished on the fifth of July, 1869, and quarterly thereafter; said statements and balance sheets shall remain open in the office of the secretary for not less than thirty days.

"*Sec. 10.*—There shall also be furnished by the directors, a semi-annual statement in detail of the business of the Institution, to be read before the general meeting of the stockholders to be holden at 2 p. m., on the fifth day of October and April in each year, at such places as the Directors may designate, also declaration of dividend, the first semi-annual meeting to be held on the fifth day of October, 1869. Provided, that if any of said fifth days shall fall on Sunday, said reports shall be furnished and meeting held on the day preceding.

"*Sec. 11.*—The directors shall have further power to call special general meetings, at such other times and places as in their judgment may be required, reasonable notice being given thereof.

"*Sec. 12.*—The board of directors shall have power by a two-thirds vote of their number, to remove any director or other officer from his office for conduct prejudicial to the interest of the Institution; if the officer sought to be removed be a director he shall not vote on any matter connected with such removal.

"*Sec. 13.*—All business brought before the board for consideration shall be determined by a majority of the whole number, each member being entitled to one vote and one only, irrespective of shares held by said directors.

"*Sec. 14.*—The directors shall convene for the transaction of the business of the institution at the call of the president, and as they shall adjourn from time to time.

"*Sec. 15.*—All officers of the Institution shall be elected by a majority of votes given at the general meeting, holden on the fifth day of October in each year, provided, that whenever a vacancy shall occur from any cause, the board may fill such vacancy by appointment, till the next general meeting; all officers shall hold their office until their successors are elected and qualified.

"*Sec. 16.*—In all matters transacted in general meetings each stockholder shall have one vote, and one only for each and every share owned by him.

"*Sec. 17.*—The secretary shall record the minutes of all meetings, and conduct all correspondence under the direction of the board, he shall hold the common seal and attend to all other duties whether prescribed by this constitution or the by-laws required by the president.

"*Sec. 18.*—The treasurer shall have charge of all funds belonging to the Institution, and shall employ or disburse the same, as required by the provisions of the constitution, and shall furnish statements of account when required by the board.

"*Sec. 19.*—The funds of the Institution shall be subject to appropriation by the board only, and disbursed by the treasurer on order signed by the president or vice-president, and countersigned by the secretary.

"*Sec. 20.*—No person or persons shall be eligible for membership, except they be of good moral character and have paid their tithing according to the rules of the Church of Jesus Christ of Latter-day Saints.

"*Sec. 21.*—The directors of this Institution shall tithe its net profits prior to any declaration of dividend, according to the rules of the Church mentioned in the preceding section.

"*Sec. 22.*—The president, vice-president, board of directors, secretary and treasurer, before entering upon the duties of their several offices, shall take oath or affirmation for the faithful performance of all duties required by this constitution.

"*Sec. 23.*—The treasurer shall give bonds with approved securities to the Institution, in such sums as may be deemed necessary by the board, subject to increase, as circumstances may render advisable.

"*Sec. 24.*—The secretary and treasurer shall be the only paid officers of the Institution, and their remuneration shall be as determined by the board of directors.

"*Sec. 25.*—All certificates of stock issued by the Institution shall be for one share, or multiple thereof; they shall be signed by the president or vice-president and secretary, under the common seal, they shall be registered in the office of the secretary, and shall be deemed personal property, and as such, subject to sale and transfer. The form of certificate, registration and mode of transfer shall be prescribed by the board.

"*Sec. 26.*—All dividends shall be paid if required, within thirty days after the same shall have been declared.

"*Sec. 27.*—The private property of shareholders shall not be held subject to the liabilities of the Institution.

"*Sec. 28.*—The seal of the Institution shall bear the inscription 'Holiness to the Lord,' 'Zion's Co-operative Mercantile Institution, 1869,' with bee-hive and bees in centre.

"*Sec. 29.*—This constitution may be amended or altered at any general meeting or the stockholders, by a two-thirds vote of the shares represented, provided that thirty days' notice shall have been given in some public newspaper published in this Territory, of such contemplated amendment or alteration."

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The foregoing constitution was the original of the organization of Z. C. M. I.; but the Utah Legislature having passed an act under which the Institution could incorporate by law, we next, in the historical links, come to the "Agreement," entered into between Brigham Young, George A. Smith, George Q. Cannon, William Jennings, William H. Hooper and others. The constitution upon which they organized is substantially the original, but there are several points of difference, as for example:

"1st.—This association shall be known by the name and style of 'Zion's Co-operative Mercantile Institution,' the continuance, duration or succession of which shall be for a period of twenty-five years, from and after the fifth day of October, A. D. 1870."

The original makes the covenant "*perpetual*," while the term of incorporation of the said *Institution* is for the duration of twenty-five years.

Interesting as the historical narrative of Z. C. M. I. may be, it must give place as chief in importance to the great manifestos of the Church upon her social and co-operative systems. The following apostolic circular reviewing the financial affairs of the Institution to date, July 1875, is itself a chapter of history:

"*To the Latter-day Saints:*

"The experience of mankind has shown that the people of communities and nations, among whom wealth is the most equally distributed, enjoy the largest degree of liberty, are the least exposed to tyrrany and oppression and suffer the least from luxurious habits which beget vice. Among the chosen people of the Lord, to prevent the too rapid growth of wealth and its accumulation in a few hands, he ordained that in every seventh year the debtors were to be released from their debts, and, where a man had sold himself to his brother, he was in that year to be released from slavery and to go free; even the land itself which might pass out of the possession of its owner by his sale of it, whether through his improvidence, mismanagement, or misfortune, could only be alienated until the year of jubilee. At the expiration of every forty-nine years the land reverted, without cost to the man or family whose inheritance originally it was, except in the case of a dwelling house in a walled city, for the redemption of which, one year only was allowed, after which, if not redeemed, it became the property, without change at the year of jubilee, of the purchaser. Under such a system, carefully maintained, there could be no great aggregations of either real or personal property in the hands of a few; especially so while the laws, forbid-

ding the taking of usury or interest for money or property loaned, continued in force.

"One of the great evils with which our own nation is menaced at the present time is the wonderful growth of wealth in the hands of a comparatively few individuals. The very liberties for which our fathers contended so steadfastly and courageously, and which they bequeathed to us as a priceless legacy, are endangered by the monstrous power which this accumulation of wealth gives to a few individuals and a few powerful corporations. By its seductive influence results are accomplished which, were it more equally distributed, would be impossible under our form of government. It threatens to give shape to the legislation, both state and national, of the entire country. If this evil should not be checked, and measures not be taken to prevent the continued enormous growth of riches among the class already rich, and the painful increase of destitution and want among the poor, the nation is liable to be overtaken by disaster; for according to history, such a tendency among nations once powerful was the sure precursor of ruin. The evidence of restiveness of the people under this condition of affairs in our times is witnessed in the formation of societies, of granges, of patrons of husbandry, trades' unions, etc., etc., combinations of the productive and working classes against capital.

"Years ago it was perceived that we Latter-day Saints were open to the same dangers as those which beset the rest of the world. A condition of affairs existed among us which was favorable to the growth of riches in the hands of a few at the expense of the many. A wealthy class was being rapidly formed in our midst whose interests, in the course of time, were likely to be diverse from those of the rest of the community. The growth of such a class was dangerous to our union and of all people, we stand most in need of union, and to have our interests identical. Then it was that the Saints were counseled to enter into co-operation. In the absence of the necessary faith to enter upon a more perfect order revealed by the Lord unto the church, this was felt to be the best means of drawing us together and making us one.

"Zion's Co-operative Mercantile Institution was organized, and, throughout the Territory, the mercantile business of the various Wards and settlements was organized after that pattern. Not only was the mercantile business thus organized, but at various places branches of mechanical, manufacturing and other productive industries were established upon this basis. To-day, therefore, co-operation among us is no untried experiment. It has been tested, and whenever fairly tested, and under proper management, its results have been most gratifying and fully equal to all that was expected of it, though many attempts have been made to disparage and decry it, to destroy the confidence of the people in it and have it prove a failure. From the day that Zion's Co-operative Mercantile Institution was organized until this day it has had a formidable and combined opposition to contend with, and the most base and unscrupulous methods have been adopted, by those who have no interest for the welfare of the people, to destroy its credit. Without alluding to the private assaults upon its credit which have been made by those who felt that it was in their way and who wished to ruin it, the perusal alone of the telegraphic dispatches and correspondence to newspapers which became public,

would exhibit how unparalleled, in the history of mercantile enterprises, has been the hostility it has had to encounter. That it has lived, notwithstanding these bitter and malignant attacks upon it and its credit, is one of the most valuable proofs of the practical worth of co-operation to us as a people.

"Up to this day Zion's Co-operative Mercantile Institution has had no note go to protest; no firm, by dealing with it, has ever lost a dollar; its business transactions have been satisfactary to its creditors and yet its purchases have amounted to fifteen millions of dollars. What firm in all this broad land can point to a brighter or more honorable record than this? During the first four years and a half of its existence it paid to its stockholders a dividend in cash of *seventy-eight* per cent., and *fifty-two* per cent. as a reserve to be added to the capital stock, making in all a dividend of *one hundred and thirty* per cent. The Institution declared as dividends and reserves added to the capital stock, and tithing, during those four and a half years, upwards of half a million of dollars. So that the stockholder who invested one thousand dollars in the Institution in March, 1869, had by October 1st, 1873, that stock increased to $1,617, and this without counting his cash dividends, which in the same space of time would have amounted to $1,378.50. In other words, a stockholder who had deposited $1,000 in the Institution when it started, could have sold, in four years and a half afterward, stock to the amount of $617, collected dividends to the amount of $1,378.50, thus making the actual profits $1,995.50, or or within a fraction ($4.50) *of two hundred* per cent. upon the original investment, and still have had his $1,000 left intact. This is a statement from the books of the Institution, and realized by hundreds of its stockholders. And yet there are those who decry co-operation and say it will not succeed. If successs consists in paying large dividends, then it cannot be said that Z. C. M. I. has not succeeded. In fact, the chief cause of the trouble has been, it has paid too freely and too well. Its reserves should not have been added, as they were, to the capital stock; for, by so doing, at the next semi-annual declaration of dividends, a dividend was declared upon them, which, as will be perceived, swelled the dividends enormously and kept the Institution stripped too bare of resources to meet whatever contingencies that might arise.

"It was not for the purpose alone, however, of making money, of declaring large dividends, that Zion's Co-operative Mercantile Institution was established. A higher object than this prompted its organization. A union of interests was sought to be attained. At the time co-operation was entered upon, the Latter-day Saints were acting in utter disregard of the principles of self-preservation. They were encouraging the growth of evils in their own midst which they condemned as the worst features of the systems from which they had been gathered. Large profits were being concentrated in comparatively few hands, instead of being generally distributed among the people. As a conseqnence, the community was being rapidly divided into classes, and the hateful and unhappy distinctions which the possession and lack of wealth gave rise to, were becoming painfully apparent. When the proposition to organize Zion's Co-operative Mercantile Institution was broached, it was hoped that the community at large would become its stockholders; for if a few individuals only were to own its stock, the advantages

to the community would be limited. The people, therefore, were urged to take shares, and large numbers responded to the appeal. As we have shown, the business proved to be as successful as its most sanguine friends anticipated. But the distribution of profits among the community was not the only benefit conferred by the organization of co-operation among us. The public at large who did not buy at its stores derived profits, in that the old practice of dealing which prompted traders to increase the price of an article because of its scarcity, was abandoned. Zion's Co-operative Mercantile Institution declined to be a party to making a corner upon any article of merchandise because of the limited supply in the market. From its organization until the present, it has never advanced the price of any article because of its scarcity. Goods therefore in this Territory, have been sold at something liked fixed rates and reasonable profits since the Institution has had an existence, and practices which are deemed legitimate in some parts of the trading world, and by which, in this Territory, the necessities of consumers were taken advantage of—as, for instance, the selling of sugar at a dollar a pound, and domestics, coffee, tobacco and other articles, at an enormous advance over original cost because of their scarcity here—have not been indulged in. In this result the purchasers of goods who have been opposed to co-operation, have shared equally with its patrons.

"We appeal to the experience of every old settler in this Territory for the truth of what is here stated. They must vividly remember that goods were sold here at prices which the necessities of the people compelled them to pay, and not at cost and transportation, with the addition of a reasonable profit. The railroad, it is true, has made great changes in our method of doing business. But let a blockade occur, and the supply of some necessary article be very limited in our market, can we suppose that traders have so changed in the lapse of a few years that, if there were no check upon them, they would not put up the price of that article in proportion as the necessities of the people made it desirable? They would be untrue to all the training and traditions of their craft if they did not. And it is because this craft is in danger that such an outcry is made against co-operation. Can any one wonder that it should be so, when he remembers that, from the days of Demetrius who made silver shrines for the goddess Diana at Ephesus down to our own times, members of crafts have made constant war upon innovations that were likely to injure their business.

"Co-operation has submitted in silence to a great many attacks. Its friends have been content to let it endure the ordeal. But it is now time to speak. The Latter-day Saints should understand that it is our duty to sustain co-operation and to do all in our power to make it a success. At a meeting of the stockholders of the Institution at the time of the general conference a committee of seventeen was chosen to select and arrange for the purchase of a suitable piece of ground for a store and to proceed to erect upon it such a fireproof building as would answer the purposes of the Institution. The objects in view in this proceeding were to concentrate the business and thereby lessen the cost of handling and disposing of the goods and to decrease rent and insurance. The saving in these directions alone, not to mention other advantages which must result from having such a store, will make a not inconsiderable dividend upon the stock. A suitable piece of

ground has been secured, and upon terms which are deemed advantageous, and steps have been taken towards the erection of a proper building. But the Institution, to erect this building and carry on its business properly, needs more capital. The determination is still to sell goods as low as possible. By turning over the capital three or four times during the year they can be sold at very low figures, and but at a slight advance over cost and carriage, and yet the stockholders have a handsome dividend. To purchase goods to the greatest advantage the Institution should have the money with which to purchase of first hands. To effect this important result, as well as to unite in our mercantile affairs, the Institution should receive the cordial support of every Latter-day Saint. Every one who can should take stock in it. By sustaining the Co-operative Institution, and taking stock in it, profits that would otherwise go to a few individuals will be distributed among many hundreds. Stockholders should interest themselves in the business of the Institution. It is their own, and if suggestions are needed, or any corrections ought to be made, it is to their interest to make them.

"The Institution has opened a retail store within a few weeks, one of the old-fashioned kind, in which everything required by the public is sold. This should receive the patronage of all the well-wishers of co-operation. In the settlements, also the local co-operative stores should have the cordial support of the Latter-day Saints. Does not all our history impress upon us the great truth that in union is strength? Without it, what power would the Latter-day Saints have? But it is not in the doctrines alone that we should be united, but in practice and especially in our business affairs.

"Your Brethren,

"*Brigham Young, George A. Smith, Daniel H. Wells, John Taylor, Wilford Woodruff, Orson Hyde, Orson Pratt, Charles C. Rich, Lorenzo Snow, Erastus Snow, Franklin D. Richards, George Q. Cannon, Brigham Young Jr., Albert Carrington.*

"Salt Lake City, Utah Territory, July 10th, 1875."

The group of persons given as frontispiece of this chapter of the directors and officers of the Institution, as they stood in 1881, presents to the eye of the reader this extraordinary combination of spiritual and temporal men in accord upon their great social work. On the side of the Church we have first in this co-partnership of Zion, John Taylor, Trustee-in-Trust. He is one of the directors of Z. C. M. I. But he is by a superior office more than a director in the combination. As president of the Church, he is the spiritual guardian of the Church and the temporal guardian of the commonwealth of Zion.

George Q. Cannon, the apostle, is not only the second man in the Church as the spritual organizations stand to-day, but he is one of the original partners in the co-operative covenant, or the "Agreement," upon which Z. C. M. I. was incorporated.

It was George Q. Cannon who wrote the encyclical letter published by the Church upon co-operation which is given in this chapter. Historically, it was a statement made by the Church relative to Z. C. M. I. as an *established* success of the Mormon people in co-operation, and to stimulate the community to perpetuate its existence.

Joseph F. Smith is one of the directors of the Z. C. M. I. and from many points of view he is a very important member of the combination. Since the death of George A. Smith, he has stood to the Mormons of Utah as chief lineal representative of the founders of the Church. In a sense, he may be said to inherit the system, and he is, by his office as one of the First Presidency of the Church and his election as one of the directors of Z. C. M. I., a legitimate spiritual and temporal guardian of the community.

Moses Thatcher is the last and youngest of the apostolic combination of the directorate of Z. C. M. I. The family of the Thatchers, with William B. Preston —a son of the family by marriage—are among the principal founders of Cache Valley. They are temporal managers as well as spiritual men—founders of cities, merchants and presidents of the Stake. No young man in Utah has made a better defined and fairer mark than Moses Thatcher. Though young, he has risen altogether on his own merits to the apostleship. He has been a Legislator for years; was superintendent of the Utah Northern Railroad; afterwards the superintendent of the branch Z. C. M. I. at Logan, and president of the Cache Valley Stake.

Bishop John Sharp, who, for thirty-five years, has been one of the principal directors of the spiritual and temporal affairs of the community, is one of the board of Z. C. M. I. The chief vein of his history in Utah is embodied in the record of our local railroads, and his position as one of the fifteen directors of the U. P. R. R. gives him an influence among the railroad magnates of the country.

David O. Calder was elected a director of Z. C. M. I., October 5th, 1875. On the suggestion of President Brigham Young, he was elected secretary and treasurer of that institution, October 5th, 1876, and he occupied that responsible position for two years, contributing not a little to the increased prosperity of that colossal establishment, and sustaining his character as a first class business officer. October 5th, 1878, he resigned as secretary and treasurer of Z. C. M. I., because his large music business demanded his personal attention; but he retained his position as a director until his death, July 3d, 1884.

William H. Hooper was one of the chief founders of the commerce of Utah, and successively a director, vice-president, superintendent of, and finally president of Z. C. M. I. For a number of years he was Utah's Delegate to Congress. He died in Salt Lake City, December 30th, 1882, lamented by the business and representative men of the city, both Mormon and Gentile. He was succeeded in the presidency of Z. C. M. I. by President John Taylor.

William Jennings is known in the history of Salt Lake City as a principal man in many lines—in stock raising, in commerce, in railroads, in Z. C. M. I., in the board of the Deseret National Bank, and in the Salt Lake City Council, over which he last presided as Mayor. He has been director, superintendent and vice-president of Z. C. M. I.; and was succeeded in the superintendency of the Institution by Horace S. Eldredge in 1883.

In any city Horace S. Eldredge would have been a pillar of society. He is indeed one of those structural embodiments of social weight and character that satisfies the eye at once and establishes confidence without a question. No business man of even ordinary discernment, meeting Eldredge abroad in a business

transaction, though an entire stranger, would refuse to take his check at its face value, nor would any foreign banker require to have him identified as the Horace S. Eldredge of Utah, except from the merest form. Some men going abroad require a full budget of letters of recommendation and credit, yet they may be men of honesty and honor, besides of most substantial connections; but Eldredge carries his budget of recommendation and credit in his personal appearance.

In the history of Z. C. M. I. there is one very representative incident that ought to be noticed. At the time of the panic in 1873, it was Horace S. Eldredge who was sent down to the States to ask for an extension of time. H. B. Clawson went with him. Again was Eldredge's personal and financial weight tested in the great business cities of America. The time asked for was granted with absolute confidence, and repeatedly the creditors of Z. C. M. I. added, "Why, Mr. Eldredge, you are solider than we are!" And this remark is very typical of the personal character and financial stability of Horace S. Eldredge himself. He is not one of the wealthiest men in America, but he is certainly one of the solidest, and when we find recorded in his diary, penned simply at the time as a private note—"I never contracted the debt of a dollar in my life that I have not paid," we conclude that it is the man's commercial life epitomised in a conscientious memorandum.

Undoubtedly to Thomas G. Webber, secretary and treasurer of the Institution much of its success is to be credited. For upwards of sixteen years he has controlled the finances of this mammoth establishment with integrity, wisdom, and a far-seeing judgment that has placed its credit second to no other business house in America. The Hon. William H. Hooper, an excellent judge, once said in public that Thomas G. Webber was the best accountant and business manager that he had ever met; and both Jennings and Eldredge have greatly leaned upon his judgment during the respective periods of their superintendency. His position as secretary makes him the active instrument of the executive mind and purposes of the Board. Familiar with every detail of the Institution's business; an indefatigable worker; courteous, but at the same time a thorough disciplinarian, he has won the respect and esteem of all who come in contact with him, and no officer of the Institution enjoys a greater popularity among its hundreds of employees than does Thomas G. Webber.

Of the Institution itself, since the review, in 1875, by the heads of the Church, of its history up to that date, a brief summary may be made:

Z. C. M. I., at this date, January, 1886, is recognized as one of the solidest and most reliable commercial houses in America. Its credit stands A. 1. Its annual sales, to-day, are not so heavy as they were before the panic of 1873, when they exceeded $5,000,000. They are now upwards of $4,000,000 per annum. But the foundation of the Institution is solider, its wholesale operations throughout the Territory perfected, and its financial security is, to-day, in its own hands. It keeps a business agent in the East and it is well known to its business relations that Z. C. M. I. is always ready to pay money down and take discount on its purchases.

But Z. C. M. I. has not only a commercial significance in the history of our city, but also a political one. It has long been the temporal bulwark around the

Mormon community. Results which have been seen in Utah affairs preservative of the Mormon power and people, unaccountable to "the outsider," except on the now stale supposition that "the Mormon Church has purchased Congress," may be better traced to the silent but potent influence of Z. C. M. I. among the ruling business men of America, just as John Sharp's position as one of the directors of the U. P. R. R.—a compeer of such men as Charles Francis Adams, Jay Gould and Sidney Dillon—gives him a voice on Utah affairs among the railroad-rulers of America.

The first place of business occupied by the Institution was the Eagle Emporium building, which was rented of Wm. Jennings. Some additions were made to the building, as more room was demanded. At length it was determined to buy a piece of ground and put up suitable buildings for the Insttiution. In 1876 a lot 100 x 365 feet was secured for $30,000, and a brick building erected, having a frontage of 100 feet, and a depth from east to west of 318 feet—three stories and basement. The front of the building is of iron, and the other portions are of rock and brick, with a metallic roof. Without the land the building cost, in round numbers, $200,000. This new building was occupied by the Institution in March, 1876. It has branch houses at Ogden and Logan, and a warehouse at Provo for the Southern trade.

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## CHAPTER LXXXIV.

THEATRICALS IN THE EARLY DAYS IN SALT LAKE CITY. ORGANIZATION OF THE FIRST THEATRICAL COMPANY. THE SOCIAL HALL. BOWRING'S THEATRE. ORGANIZATION OF THE DESERET DRAMATIC ASSOCIATION.

We will now take up the civilizing agencies of the city:

It is well known to those who have studied, even casually, the character of that wonderful Mormon society-founder, Brigham Young, that he supplied his people with the agencies of both social and physical revivification. Not to say it flippantly but with a simple appreciation of his unique character, had Brigham Young been the leader of ancient Israel, as he was of modern Israel, and typed with his Vermont sagacity, there would have been no rebellion of the congregation in the wilderness, and no "repining for the flesh-pots of Egypt." This was strikingly exemplified in the great Mormon exodus to these mountains. He constantly vivified the people whom he led, by enlivening instrumental music, by the singing of familiar songs of home in the spirit of home present and not far away, in the merry dance and social ball. Like the ark of a new covenant, the people under his leadership carried with them on their long and tedious journey to the Rocky Mountains at least a primitive civilization.

It was while on this journey that the "Nauvoo Brass Band," under Captain

William Pitt, made itself historical. This band and the "Nauvoo Legion" were the only remembrancers that the Mormons brought to these valleys bearing the name of their forsaken city. Captain Pitt and his band left Nauvoo on the same day with Brigham Young, crossing the Mississippi on the ice, and with him journeyed that day to the "Camp of Israel," which waited for the leader on "Sugar Creek;" and at night, though the weather was bitterly cold, the trumpet, by the order of Brigham, called the camp out to a concert in the open air, and the Nauvoo Brass Band performed its best selections, after which the pilgrims joined in the dance, and the music was as joyous as at a merry-making. Arriving in the valley of the Great Salt Lake, the dance to the Mormons became almost like an institution and the ball as a social sacrament.

Out of this Nauvoo Brass Band indirectly grew our first theatrical company. An amalgamation was effected between the members of the band and certain gentlemen and ladies possessing dramatic instincts and predilections, several of whom had also been connected with theatricals before they came into the isolation of these mountains. Phil. Margetts was a member of the band, and Hiram B. Clawson had already graduated in a traveling theatrical company.

The project of organizing a theatrical company, with a combination of the musical and dramatic elements, received the hearty sanction of Brigham Young, and he at once became the patron of the Salt Lake stage.

The first dramatic company organized consisted of H. B. Clawson, James Ferguson, Phil. Margetts, John Kay, Horace K. Whitney, Robert Campbell, R. T. Burton, George D Grant, Edmund Ellsworth, Henry Margetts, Edward Martin, William Glover and William Clayton; the ladies were Miss Orum, Miss Judd, (Mrs. Margaret G. Clawson) and Miss Mary Badlam. The company's cast stood, James Ferguson, leading man; Miss Orum, leading lady; Miss Judd, soubrette; Miss Mary Badlam played general parts and filled in with her clever dancing business; Hiram B. Clawson was the company's character actor; Phil. Margetts commenced his theatrical career as a character actor and comedian; John Kay, who was endowed with a fine baritone voice, and an imposing stage figure, sang star songs and did a corresponding business as an actor; Horace K. Whitney was a useful and very efficient actor in those parts which sustain the play, and which, when not well filled, put out the lights of the stars of the company; Robert Campbell played old-man character parts; William Clayton was a principal instrument in organizing the company, and he also took his parts in the orchestra; Generals Burton and George D. Grant, and Elder Edmund Ellsworth, gave amateur importance to the stock, and Wm. Glover and Henry Margetts, it is presumed, were useful in their line of business; however, James Ferguson, Phil. Margetts and H. B. Clawson were the only professional types in the male cast of this first Salt Lake theatrical company. It bore the name of the "Musical and Dramatic Company."

The orchestra deserves naming, for its members were of the Nauvoo Brass Band, from which the company originated: William Pitt, captain of the band, was the leader of the orchestra, and William Clayton, James Smithies, Jacob Hutchinson, David Smith, and George Wardle were his supports.

There was a company now, but no theatre, nor even a hall of capacity suffi-

cient to give a public performance, while the community were socially starving for public amusements and recreation to enliven the isolation of a "thousand miles from everywhere," as their locality was then described. The majority of the citizens in 1851 and 1852 were fresh from a land of theatres. England, thirty-five years ago, was still the England of Shakespeare, and not of Boucicault. There were those in Salt Lake City who had seen Macready; some who had seen John and Charles Kemble, their sister Sarah Siddons and Edmund Kean on the stage in their native land. The majority of the British people in the valley at that period were from London, Birmingham, Manchester, Leeds, Yorkshire and Edinburgh, where the common people for generations have been accustomed to go to the theatre and to the philharmonic concerts, to see the best of acting and hear the divinest singing, at a few pence, to the galleries. Such a community could not possibly have got along without their theatre, nor been content with their isolation without something to awaken pleasurable reminiscences of the intellectual culture and dramatic art of their native land. Their sagacious head sensed all this, and he at once gave to the newly formed "Musical and Dramatic Company" the "Old Bowery," where the congregation of Saints met Sabbath days, and it was there—in the only temple or tabernacle Zion had in those days—that home theatricals took their rise. If the Church stooped in this, she but gave her helping hand to civilization, without losing aught of her own caste, for those actors and musicians were her own ordained elders and high priests.

Historical interest is always associated with the first programme of every notable institution, therefore is here presented the first cast of the first dramatic company of Utah. The play produced on the occasion was *Robert Macaire.* The cast was as follows:

Robert Macaire, . . . . . John Kay
Jaques Strop, . . . . . H. B. Clawson
Pierre, . . . . . Philip Margetts
Marie, . . . . . Miss Orum
Clementina, . . . . . Miss M. Judd (Mrs. M. G. Clawson)

Several other plays were produced during the season, and it is said they were creditably performed by the company. "Hector Timid" was the opening of the farcical *role.*

There were more than a thousand persons who witnessed each of these performances, showing that the theatrical audiences in the "Old Bowery," in the winter of 1851-2, were larger than the average audiences in 1885, with a Madame Ristori playing her magnificent *role* of historical plays in the "Big Theatre" with the modern audiences of Salt Lake City to support her performances.

The company played in the "Old Bowery" for two years, during which time a number of high class plays were performed, one of which was the celebrated play of "The Stranger;" the brilliant James Ferguson took the title *role.*

In 1851 the Musical and Dramatic Company was reorganized and named the "Deseret Dramatic Association," with Bishop Raleigh as its president. Pieces were cast, written out and rehearsed to prepare for the opening of the Social Hall. In 1852, this historical hall was built. It is the identical assembly rooms so often mentioned in those days in the books of travelers, who have

sojourned awhile in the Mormon Zion, where they professed to have had the honor of dancing with the wives of Brigham Young and others of the Mormon chiefs, and admiringly saw "the Prophet" "trip the light fantastic toe." It was opened and dedicated for the performances of the Deseret Dramatic Association, and Bulwer's classical play of the "Lady of Lyons" was produced on the first night.

The company had now greatly strengthened and was enabled to cast first class plays. To the original members were added John T. Caine, David McKenzie, David O. Calder, Bernard Snow, William C. Dunbar, Henry Maiben, Joseph M. Simmons, David Candland, (stage manager), William Broomhead and J. M. Barlow; to the ladies Mrs. Wheelock, Mrs. Tucker, Mrs. Bull, Mrs. John Hyde and Mrs. Cook.

In the opening play of the "Lady of Lyons," the gifted Ferguson played Claude Melnotte and Mrs. Wheelock, Pauline. In the great plays, the men parts were strongly filled. Bernard Snow, who was in that day styled the "Rocius" of the Rocky Mountains, played Othello; Ferguson, Iago; Snow, Damon, and Ferguson, Pythias. Virginius was also played, with Bernard Snow in that character. Phil. Margetts, in his line of comedy, farce and comic song, by this time, had established himself as a public favorite, in whose estimation he grew every season; Dunbar had created a type and style peculiarly his own, both in character parts and character singing; while Henry Maiben was fast mounting the ladder of local fame in another line of comedy character parts and comic singing, to which was occasionally supplemented the role of professional dancer. David McKenzie had not as yet found his day of opportunities. Neither had John T. Caine's day come as a mere member of the Social Hall company; nor indeed had that of Hiram B. Clawson. Mrs. Wheelock rose to a local star magnitude, but she passed out of our sky and went to California, leaving scarcely a name in the remembrance of the living.

At the Social Hall, the company had a splendid orchestra, with Professor Ballo, director, and John M. Jones, the leading violin.

But the Utah war broke up the chain of dramatic performances in our city, and it may be said also the Deseret Dramatic Association itself for several years.

Our dramatic history was continued by Mr. Phil. Margetts organizing a company, of which he was president, under the name of the Mechanic's Dramatic Association. The members of the company were Phil. Margetts, Harry Bowring, Henry McEwan, James A. Thompson, Joe Barker, John B. Kelly, John Chambers, Joseph Bull, Pat Lynch, William Wright, William Poulter and William Price; the ladies were Mrs. Marion Bowring, Mrs. Bull, Mrs. McEwan, Elizabeth Tullidge and Ellen Bowring, with Father John Lyon, critic.

A large room was fitted up in the house of H. E. Bowring, with a stage and good scenery, painted by that excellent artist, William V. Morris, and the place of performance was called Bowring's Theatre.

It is worthy of note that this was the first place in Utah that bore the name of theatre.

In the performances of this little theatre, Mrs. Marion Bowring was leading lady, Mrs. Bull, walking lady, Mrs. McEwan, soubrette. Phil. played Othello, Beverly in the "Gamester," and Duke Aranza in the "Honeymoon;" and he sustained those parts admirably, to the surprise of all his theatrical friends, who had

cast him as the comedian *par excellence*. Henry McEwan played Iago to Phil's Othello, Stukely to his Gamester, and did it excellently well. In that line of characters, had McEwan remained on the stage, he would have made quite a professional mark. He had but one defect—that of voice. Thompson was the walking gentleman, but it was in the farce of "Betsy Baker," that he made his chief mark, as Crummy, by which name he is known to this day among his intimate friends. Bowring played the Mock Duke to Phil's Duke; Peter White in "Mr. and Mrs. Peter White" (played for the first time in Salt Lake City at Bowring's Theatre), and was a rare Bobby Trot to Phil's great Luke the Laborer; and he was also the first Mouser (in this city) in "Betsy Baker." Mr. Joe Barker made quite a hit in old man parts. In the "Gamester" he played the old man part with great feeling; so he did also Farmer Wakefield; and, as Lampedo, in the "Honeymoon," his part was a decided hit. Mr. Joseph Bull and Mrs. Bull sustained their appropriate parts; the public will remember them as the Iago and Desdemona of the early period of our theatricals. Mrs. Marion Bowring was Juliana in the "Honeymoon;" Mrs. Beverley in the "Gamester;" Emelia in "Othello;" and, afterwards, in the Salt Lake theatre, of which for years she was the leading lady of our stock company, she gave to Lyne's Pizzaro the best Elvira ever played by any lady of our stock company. Mrs. McEwan in her line of parts, shined as Jenny in "Luke the Laborer," and as Zamora, in the "Honeymoon."

It was these performances which led indirectly to the building of the Salt Lake Theatre and the re-organization of the Deseret Dramatic Association. Phil. waited on President Young and invited him to the performances, with all his family, naming the evening. Brigham said, "Why can't Heber and I come to-night? What are you playing?" The reply was, "Luke, the Laborer." "I'll come to-night, said the President, evidently designing to catch them as they were, without special preparation for his coming. He attended, was greatly pleased, and the next day Phil. presented him with ninety tickets for his and Heber's families for that evening. The families of the two presidents of the Church came, including H. B. Clawson; the play that night was "The Honeymoon," with Phil. as Duke Aranza, Bowring as the Mock Duke, and McEwan as Orlando. Speaking with theatrical swell becoming the occasion, the performance was a tremendous success. At the close Phil., from the stage, made a speech to the President, and Brigham, with his usual gallantry when pleased, in return, from the audience, made a speech to Phil. and his dramatic company.

Immediately after this the President told Hiram B. Clawson to organize the Deseret Dramatic Association, unite with it Phil's company, and said that he would build a great theatre, for, as he sagaciously observed, "the people must have amusements."

Such is the historic significance of Bowring's Theatre, and soon thereafter the Salt Lake Theatre rose as the grander symbol of the times.

## CHAPTER LXXXV.

BUILDING AND OPENING OF THE SALT LAKE THEATRE. THE FIRST PLAY. REMINISCENCES OF THE COMPANY. THEATRICAL CRITICISMS. THE EARLY STARS. T. A. LYNE. THE IRWINS. PAUNCEFORT. "YOU CAN'T PLAY ALEXANDER." JULIA DEAN HAYNE. JOHN T. CAINE'S BENEFIT. THE FIRST LOCAL PLAY PUT UPON THE SALT LAKE STAGE—"ELEANOR DE VERE." THE CROWNING DAYS OF THE THEATRE. THE WORLD'S STARS THAT HAVE VISITED ZION.

It was just at the outbreak of the civil war that the theatrical history proper of our city commenced. The "Utah War" was as a bustling memory of the past; Camp Floyd was evacuated; all in Zion was peace, though the nation was in civil war, in which neither Utah nor California had the honor of taking part.

It was in the year 1861, our citizens saw a colossal building in the process of erection, and it was known that Brigham Young designed to give to the Mormons a great theatre, which, after its erection, was popularly styled Brigham's theatre.

There were those among the heads of the community who would have rather seen the Temple rushing up; but our citizens, (who at that date were mixed, of Gentile and Mormon) needed the theatre more than the Temple: so thought Brigham Young, and his practical mind gave to our city one of the best theatres in America; and soon it was stocked with a company and furnished with appointments that bore favorable comparison with the theatres of the East.

And Brigham Young was right. With the drama, the English civilization was born; and though Brigham Young comprehended it not in a learned sense, his strong Saxon common sense perceived as by instinct the methods of his race; and it is remarkable how an uneducated man (uneducated in the sense of the schools) could have so methodically worked, as to give his people a theatre and choral classes here simultaneously as he did in 1861.

The English common people were educated and their minds drawn out into art and philosophy not by the pulpit but the stage; not by the Church, the cathedral, or the temple, but the theatre and the concert hall; and as in England so also has it been in America. We enter the Holy of Holies to worship; we go to the theatre to learn the everyday lessons of practical life and to study character for a knowledge of human nature; nor is it a little singular in this man, Brigham's life, that though he put on the capstone of the Nauvoo Temple, he also at Nauvoo played the High Priest to our T. A. Lyne's Pizzaro, while Apostle Erastus Snow, then a brilliant young elder, played Alonzo. In that day Thomas A. Lyne, then in the prime of his dramatic power, was at Nauvoo giving performances. Joseph Smith himself was highly endowed with a dramatic nature. His whole life was a drama—not a pulpit oration; and his culmination was a solemn tragedy. And even in his Temple, the Prophet was a sacred dramatist, and not

like unto a modern minister or a lecturer from college, and all his mysteries were sacred dramas—revealings in the Temple of the characters and action of the immortal life, as Shakespeare, the prophet of the Theatre, revealed at the Old Globe in London, the characters and actions of mortal life.

The Mormon theatre was conceived in Nauvoo in Joseph's day. It is as orthodox as the Temple. Thomas A. Lyne was Joseph's actor: an incident in his professional life of which this veteran personator of the characters of Shakespeare and other dramatic masters has often spoken with unction to the author. It was such a unique episode in his life to play Pizzaro in the city of the Saints at the request of the Prophet with Brigham performing the high priest of his play, that T. A. Lyne has cherished the circumstance as a sacred page in the book of reminiscences of his professsonal career. Pizzaro was just such a play as Joseph would delight in as a study for his people, the subject being the invasion, by the haughty iron-heeled Spaniard, of the ancient nation of Peru, closely akin to a Book of Mormon subject; and Erastus Snow as the young Alonzo, a type of Spanish chivalry at its best temper, was a character tó admire, while Brigham as the high priest holding the ancient temple and calling down fire from the sun-god, performed a part that the Mormons could sympathetically appreciate. The dramatic episode is pertinent as the play of Pizzaro was performed afterwards by T. A. Lyne in "Brigham's theatre" in Salt Lake City, with a very similar cast, as it was played by him in the Masonic Hall at Nauvoo before Joseph and his people.

It was at Nauvoo that Hiram B. Clawson became a regular member of the Lyne company. Hiram possessed the natural abilities of a good character actor, which thus early attracted him to the stage. He traveled professionally in Lyne's company, up the river and around, and was considered by both the management and the public as a decided hit in his character parts. Herein we find the prologue of Brigham's theatre in Salt Lake City, with Hiram B. Clawson, manager, and Lyne playing star parts, supported by a local company of Mormon elders and the daughters of the High Priest of bygone days.

Historically illustrated we may say that the Salt Lake Theatre rose as the monument of our Rocky Mountain civilization. In this respect it is worthy of reference to the Old Globe of London, which, when the English nation was emerging from the gorgeous barbarism of the feudal times, was, by the genius of a galaxy of supreme minds, endowed with the dramatic voice of a new civilization.

The founders of this Territory had performed their wonderful exodus; they had laid the first strata of society in the Rocky Mountains; they had peopled these valleys by immense emigrations; our Territory had survived what was called the Utah war; Camp Floyd was evacuated, and General Albert Sidney Johnson had resigned his character role as the conqueror of the Utah rebellion, and gone to play a principal part in the rebellion of the South. There were certainly the swell of heroism and the sonorous tones of a gorgeous barbarism in all this, but from the higher views of civilization, both the history and social conditions were only semi-barbaric. Though Utah society was made up of the elements of the superior races, and the people who constituted this new commonwealth had migrated from lands of high culture, yet society itself in these valleys was in its primitive state of formation. The element from the old countries needed a re-culture.

The exterminations, emigrations, and the first settlings in the "Great American Desert" had returned it as clay to the hand of the potter, for a remoulding into forms suitable to its own civilization, while the native born of these valleys had merely the primitive fashioning of an Anglo-Saxon offspring, without any personal cultured remembrances brought from other lands. In short, in the early periods of the history of our Territory, all society here needed toning up with the impulses of a re-culture. President Brigham Young, as a colonist and society-founder, as we have said, realized this in his own way. But there were other men around him who realized it in what may be termed the professional sense of civilized society —the senses which have given birth to the poet, the musician, the painter, the actor, the architect, the inventor and the journalist,—which at the birth of our present English civilization, made the Old Globe of Shakspeare's management as fame resounding as the court of Elizabeth, and Shakspeare's name more splendid than that of the great queen herself, and which in modern times have made the press the mightiest power of the age.

About the year 1860, those professional instincts around Brigham Young may have been named as embodied in Hiram B. Clawson, John T. Caine and David O. Calder. On his part David O. Calder had been prompting President Young to the organization of large philharmonic societies throughout the Territory; and under the patronage and by the financial support of the President of the Church, David O. Calder taught large classes of pupils in Brigham's choral free schools, while under Hiram B. Clawson and John T. Caine, the Deseret Dramatic Association, in 1861-2-3, grew into a first class theatrical stock company. The years 1861-2 saw the building and opening of the great Salt Lake Theatre, of which Julia Dean Hayne afterwards became queen. Its fame spread even to Europe; and on his visit to our Zion, Hepworth Dixon was charmed to write upon Brigham Young's theatre several interesting pages of his book—New America. From the opening of that theatre, speaking in a professional sense, civilization in the Rocky Mountains received a fresh impulse. Brigham Young was the president of the association; his daughters played upon the stage; Mormon elders were the actors; Mormon elders painted the scenes and constituted the orchestra; the managers were Clawson and Caine; and apostles, patriarchs, high priests and elders filled the parquette and the private boxes with their families. It is thus we must view the management of the Salt Lake Theatre under Clawson and Caine, to understand its import in the history of our Utah civilization.

The Salt Lake Theatre was opened to the public on Saturday evening, March 8th, 1862. The pieces were, "Pride of the Market," and "State Secrets."

But the ceremony of the dedication of the Theatre was the remarkable event of the opening. Indeed it is not only worthy to constitute a chapter of our local dramatic history, but of the general history of Salt Lake City itself, for there is nothing in the history of the English and American stage so unique in its object and sentiment.

Reserved seats were placed before the curtain for the First Presidency of the Church and a few others. At the appointed hour, these were occupied and Brigham Young, president of the Deseret Dramatic Association, called "the house"

to order and delivered a brief introduction. The choristers of the occasion sang an opening hymn:

"Lo! on the mountain tops appearing."

After which President Daniel H. Wells offered up the dedication prayer from which we cull the following characteristic passages:

* * * "In the name of our Lord and Savior, Jesus Christ, and in the authority of the holy and eternal priesthood of Almighty God, we consecrate and dedicate this building, with its surroundings above and below and upon each side thereof, unto Thee, our Father and God. We dedicate the ground upon which it stands, and the foundation of the building, and the superstructure thereon, the side and the end walls, and the chimneys upon the tops thereof, and the flues within the walls, and the openings for ingress and egress; and ask for thy blessing to rest upon them, that the materials used in the construction of the walls may cement together and grow stronger and stronger as time shall pass away. To this end we dedicate unto Thee, our Father, the stone, the adobes, the brick, the hewn stone and mortar of which they are composed, and all the mason-work thereof; and all the timbers within and above and upon the walls, and the frame-work thereof for the support of the floors, the galleries, the stage, the side-rooms, stairs and passages and entrances thereof and therefrom, for the support of the roof of the building and the towering dome. * * * And we dedicate the parquette, circles, galleries and rooms adjoining for the people, the orchestra, and the actors and performers; the stage upon which we stand, and the green-room, and rooms adjoining above and round about for dressing rooms, for painting and other conveniences. * * * All and every part of this building we consecrate and dedicate unto Thee, our Father, that it may be pure and holy unto the Lord our God, for a safe and righteous habitation for the assemblages of Thy people, for pastime, amusement and recreation; for plays, theatrical performances, for lectures, conventions, or celebrations, or for whatever purpose it may be used for the benefit of Thy Saints. * * * Upon this edifice be pleased to let Thy blessing rest, that it may be preserved against accident or calamity by fire or flood, or hurricane, or the lurid lightning's flash, or earthquakes. May it forever stand as a monument of the skill, industry and improvement of those who have labored thereon, or in anywise contributed thereto, and of the enterprise and ability of Thy servant Brigham, who is the projector and builder thereof, and also as a monument of the blessing and prosperity which Thou hast so eminently conferred upon Thy people since Thou didst bring them forth unto this land. And we pray Thee to bless this Dramatic Association, the actors and actresses, and all who shall perform upon this stage, O Lord, may they feel the quickening influence of Thy Holy Spirit, vivifying and strengthening their whole being, and enabling them to bring into requisition and activity all those energies and powers, mental and physical, quick perceptions and memories necessary to the development and showing forth the parts, acts and performances assigned unto them to their highest sense of gratification or desire, and the satisfaction of the attending audience. * * And, O Lord, preserve forever this house pure and holy for the habitation of thy people. Suffer no evil or wicked influences to predominate or prevail within these walls, neither disorder, drunkenness, debauchery or licentiousness of any sort

or kind; but rather than this, sooner than it should pass into the hands or control of the wicked or ungodly, let it utterly perish and crumble to atoms; let it be as though it had not been, an utter waste, each and every part returning to its natural element; but may order, virtue, cleanliness, sobriety and excellence obtain and hold fast possession herein, the righteous possess it, and 'Holiness to the Lord' be forever inscribed therein." * * *

After the dedicatory prayer Mr. William C. Dunbar, assisted by the choir and accompanied by the orchestra, sang the "Star Spangled Banner."

President Young next addressed the audience and the Deseret Dramatic Association relative to his object in building the theatre, and the mission of the drama, in which address he aptly said:

"The Lord looked upon the children of men as they were, saw their deeds and understood them; and so should the Saints understand who was in the world and learn to choose the good and eschew the evil. It was not to learn evil; but to know the duplicity and falsehood of false men, guard against the inroads of vice, and to pursue the undeviating course of rectitude and virtue, that invariably lead to happiness and honor. * * Brother Wells has prayed that this building might crumble to the dust and pass away as if it had never been, sooner than it should pass into the hands of the wicked or be corrupted and polluted, and to that I say, Amen." * * *

In closing, the President made an impressive invocation in behalf of the dramatic company and the audiences which should assemble to witness their performances. Heber C. Kimball and John Taylor followed in brief addresses in consonance with the dedication.

The Deseret Dramatic Association then gave their opening performance to the public.

Thus it will be seen that this theatre was dedicated very much after the manner that the high priests of the Mormon Church would have dedicated one of their temples; and though probably Brigham Young had, at that time, never heard the text of the play of "Hamlet" in all his life, he described the object of the drama, as it was designed by him for the Salt Lake Theatre, very much like the spirit and exposition of Hamlet to the players:

* * * "The purpose of playing, whose end, both at the first, and now, was, and is, to hold, as 't were the mirror up to Nature; to show virtue her own feature, scorn her own image, and the very age and body of the time his form and pressure."

The Salt Lake Theatre, in fact, at the onset was elevated to the caste of a dramatic temple, and made a high school to the public for the study of human nature, which was the very object of all the plays of our Solomon of the Anglo-Saxon stage. Not in the whole history of the stage, ancient or modern, was ever a theatre before thus endowed as a sacred dramatic temple for the people. True Shakspeare and the rest of the great dramatic composers, with Garrick, the Kembles, the Keans, Macready, Booth, Forrest, and others of their illustrious class, in their imperial dignity of character, and in the matchless splendor of their genius, before whose bright constellation the galaxy of the pulpit have bowed in humility—have affirmed that the Theatre of their designing is a Temple for the people. Hereafter perchance it may be regarded as one of the "strange things"

of dramatic history that Brigham Young, a man of no art culture beyond that which was self-evolved, but the high priest of a despised church, should have so lifted the theatre to the conception of the great high priests of the stage; and, if "Brigham's Theatre" has fallen from its pinnacle, we shall not debit the fall to him, nor his counsellor, whose dedicatory prayer is before our eyes.

During the first season there were performed of the minor and domestic dramas, "Pride of the Market," "Serious family," "Porter's Knot," "Lavator the Physiognomist," "The Charcoal Burner" (a melo-drama), and Charles Mathews' comedy—"Used Up," with farces: "Sarah's Young Man," "An Object of Interest," "Paddy Miles' Boy." "To Oblige Benson," "Pleasant Neighbor," "Love in Livery," "Betsy Baker," and, on the last night of the season, a high class play—"Love's Sacrifice," and the farce "The Widow's Victim."

Before the opening of the second season, the veteran actor Mr. T. A. Lyne, had been sent for by his former pupil, Manager Clawson; and he came to Salt Lake City to take the position as tutor of the company. The following is a brief sketch of his life up to that period:

Thomas Ackley Lyne (who is still living in Salt Lake City) was born at Philadelphia, in August of the year 1806. His youth and early manhood were spent on the "ocean wave." At the age of twenty-three, he appeared at the Walnut Street Theatre, which was then under the management of Blake & Ingsley. He made his appearance in the popular play of "William Tell," which, in those days, was presented to the public in five acts. His second appearance was at the Park Theatre in the same character under the management of Simpson. He at once took rank as a leading actor; so it may be seen from the dramatic record that T. A. Lyne was one of America's great actors over fifty years ago. He was a "star" before Charlotte Cushman had made any mark in the theatrical world, and he supported that lady in her early days. He also played leading parts to the elder Booth, and the principal characters to Miss Ellen Tree before she became Mrs. Charles Kean. He has had a large share of crossings and disappointments in the precarious profession which claims "to hold the mirror up to nature." On looking over the old files as far back as the "Old Warren Theatre," under the management of Wm. Pelby, at Boston, (on the site of the Warren was built the National) we find on the third night of its first season Lyne as the Stranger in Kotzebue's play of that name, and Harry Smith as the Francis. So, more than forty years ago, he was a leading serious actor in the Athens of America. We find him also identified with western theatricals as far back as when Chicago's population was about three thousand and Milwaukee's about half that number. He was manager and actor and gave to Chicago in Mr. Ogden's theatre, a wooden building, its first "stars"—Dan Marble and Mrs. Silsby—then imported by steamer from Detroit. We find T. A. Lyne playing among the Saints at Nauvoo. At the opening of the Salt Lake Theatre he was brought from Denver at the instance of Brigham Young and installed as dramatic teacher and leader. Thus commenced his professional history in our city.

The second season opened with a grand ball at the theatre, which was now receiving the finishing touches in the interior of the house; and T. A. Lyne was

introduced to the public in a poem composed by him—"Our Country's Flag," which was read by John R. Clawson.

On Christmas night, 1862, the fine play "The Honeymoon" was performed by the stock company, with John T. Caine as Duke Aranza, and Phil. Margetts in his inimitable Mock Duke. W. C. Dunbar's "Paddy Miles' Boy," of which he made a rare Irish comic type, followed. "Old Phil's Birthday," one of H. B. Clawson's marked character hits, was repeated on two nights; as was John T. Caine's "Charcoal Burner." The "Two Polts" (Margetts and Bowring) carried off the palm of the farces.

Then came "Virginius" on the night of the 17th of January, 1863, a crowning part, and in the hands of our local company. It is Sheridan Knowles' greatest character part, in which Vandernoff found scope to take the laurels of the play even from Macready; yet our Bernard Snow played Virginius up to a high mark.

On the nights of the 11th, 14th and 18th of February, 1863, "Damon and Pythias" was played with Lyne as Damon. Mrs. L. Gibson played Calanthe, Mrs. M. G. Clawson Hermion, James Ferguson played Pythias. This occasion was his final appearance on the stage.

"Pizarro" was performed, for the first time on the Salt Lake stage, on the night of March 4th: John T. Caine, Pizarro; Lyne, Rolla; Joseph F. Simmons, Alonzo; George Teasdale took the part of the High Priest, and Mrs. M. Bowring, Elvira; and for the first time Salt Lake City saw stage business which perhaps was not surpassed that season in any theatre in America. "William Tell," Lyne's favorite, followed, and afterwards the "Stranger," in which latter play Mrs. Fanny Stenhouse sustained the difficult character of Mrs. Haller.

April 1st, Lyne played Virginius; and again came his great Damon, in which he has been acknowledged to have had no equal in America, excepting Forrest himself. "Pizarro" was repeated, with cast as before, and then the "Merchant of Venice," (for the first time played here) in which Lyne gave a fine exposition of "the Jew that Shakspeare drew," in which Edmund Kean won the sceptre of the London Stage, after Hazlett, the greatest English critic, had fought the adverse London critics in his cause.

In the third season (the fall and winter of 1863–4) the Irwins reigned. They played the "Lady of Lyons," "Ingomar," "Evadne," "Faint Heart never Won Fair Lady," "Warlock of the Glen," "Ireland as it was," "Chimney Corner," "Katharine and Petruchio," "Marble Heart," "Octoroon," "The Hunchback," "Green Bushes," "Othello," "Corsican Brothers," "Jessie Brown," "Still Waters Run Deep," "Idiot Witness," "Angel of Midnight," and "Colleen Bawn." Excepting Othello these were a fresh class of plays here of the second order, giving great scope and variety, and keeping up the dignity of the Salt Lake stage. It will be gratifying to the lovers of the legitimate drama to have recalled this spendid exhibit of the early days. And during these performances our home company did excellent work not only in the support, but also in their own comedies and farces. In the "Colleen Bawn" David McKenzie scored a triumph as Danny Mann, and at once raised himself to an equality with Irwin. As Danny Mann he has never met his match on the Salt Lake stage to this day.

In the fourth season, (June and July, 1864,) Lyne came on again in Damon, Pizzaro, and William Tell.

Mr. George Pauncefort, an accomplished English actor, with Mrs. Florence Bell, appeared in the city at this period, and during the remainder of the season, alternated his light classics against T. A. Lyne's grander, stately parts of the old school. They made to each other a fine variation, illustrating for their audiences the old legitimate and the new legitimate class of plays. Two better types are rarely to be found heading a stock company, during the same season, in any of the principal cities either of America or England, than those which were presented by Lyne and Pauncefort during the unbroken theatrical period from July, 1864, to January 7th, 1865. Lyne, in the imperial hauteur of the Forrest school, scarcely deigned to notice the introduction of the modern school of classical drama, which clothes its character-casts in the naturalness of society of our own times, as against the grand but stagey portraiture of men and women as they were a century or two ago. There was ever something about Lyne's stately acting that kept the audience in remembrance of the dedication of this Mormon Temple of the drama. It seemed to say to Pauncefort and alike to the audience "take off thy shoes for the place whereon thou standeth is holy ground." In Pizzaro and Damon, this was eminently so. He was a martinet over the dignity, virtue and proprieties of the stage, which told you proudly of the days when he played with the chaste and irreproachable Ellen Tree. So strict was he that in his character of the "Stranger," he "cut out" the hintings of reconciliation between him and his erring but repentant wife (Mrs. Haller), for which the emotional meeting of the parents and their children is introduced to extort forgiveness from society in its passion of tears, usually produced by the affecting closing scene. T. A. Lyne indeed, above all the actors that have played on the stage (Couldock alone excepted) has come up to the mark given by President Wells in his solemn dedication of the house on the opening night.

George Pauncefort breathed upon the Salt Lake stage a lighter atmosphere. The somewhat Puritanic spirit which had hitherto prevailed in our theatre was dispelled, without a shock to the families of apostles, bishops and elders who filled the parquette, for the plays now introduced were still chaste, though of a lighter order.

The English actor opened with "The Romance of a Poor Young Man," in which he wrought out one of the most accomplished and natural works of dramatic art. Lyne followed on the next night of the theatre in the "Merchant of Venice." Pauncefort came again with his "Romance;" then in his rare personation of William in "Black-eyed Susan." His "Hamlet," (played here for the first time), was not unworthy of Barry Sullivan himself; and his "Don Cæsar De Bazan," we think, surpassed even the Don Cæsar of that most classical Irish actor whom Liverpool challenged against all England. Charles Matthew's favorite high comedy character, "Used up" was a congenial part, and the "Corsican Brothers," sustained by David McKenzie, was rendered by Pauncefort in a style excellent in the eyes of those who had seen Charles Kean in the part. "The Duke's Motto" came next and this actor's first engagement closed with "Don Cæsar De Bazan."

The stock company then held the stage alone for a while, and here may be introduced a review of the first critic of the Salt Lake Theatre—Alpha,* to mark the status of our stock company as they appeared to him in the freshness of daily memory.

"The development of the dramatic art in our midst forms a page of social and popular progress. It could be predicted, *a priori*, that by its side would spring up musical and literary movements, and in their wake popular movements of every kind would follow.

"When that national theatre of the Mormons first lifted its stately form, as a fact in the social and intellectual unfolding of this people, we said, 'There is a gigantic prophecy materialized to the senses.' The house was large in its external, and magnificent in its internal. So much the better; for it prophesied the louder, and the people understood its vernacular tongue better than they could its metaphysical speech. It prophesied of popular progress, the birth of the arts and the establishment of the professions. Figuratively speaking, that magnificent theatre of ours was an organ of the people, published for them by President Young. There they select their own favorites; there they express their own taste; there they applaud that which they think deserving. The theatre was not a religious house, but a secular public institution—a temple of art; and art is universalian. Be an audience as varied in their religions and politics as Joseph's coat of many colors; and, if they possess a cultivated taste, they will express a common admiration and pleasure. You shall see a gentile house make a Mormon *artist* the favorite, and a Mormon public flock to witness good professional performances. The meaning of appearing before the public in the arena of art the management soon appreciated. Much attention and cost were lavished in putting the plays upon the stage, graced with exquisite pictorial illustrations and scenic splendor, for this, with an immense command of means and facilities, was much easier to the management than to fill parts with first class *artists*. Indeed theatricals, even in our professional-looking house, started with a purely amateur *corps*, with Mr. John T. Caine as its leading member. This gentleman has since given up first parts to Mr. McKenzie and professional actors, and has made himself very efficient in the more dignified character of manager, playing in the company less to star in a part than for the general effectiveness of the whole. This is a mark of good judgment and correct self-appreciation, for in the long run he would be certain to find many to eclipse his glory, especially after our theatrical heavens shall have been bespangled with professional stars; he always could hold a first position in the management and not lose caste in the body of a play. Great heaven, how often do even leading men with abilities to rule a nation, and capacity to legislate for an empire put themselves in parts in life where a common laborer could overmatch them, and your veriest vagabond that travels with a show eclipse their glory. All the crowned heads of Europe could not have furnished in their own persons, a company of actors to tread the boards by the side of the dramatic *corps* of old Richardson's Booth; nor have shone as stars in the same firmament with those luminaries who perchance first shot out to public gaze in a 'penny gaff' or a country barn. They have been your Edmund Keans!

*E. W. Tullidge.

"While it would be too partial to say the management has committed no errors, it may without reserve be affirmed that it has displayed on the whole excellent judgment, and not only has the most effectual caste been designed, but the most fitting and laborious members of the association have won the best parts and leading characters. The members of the association stand to-day classified and ranked pretty much in the places where their own talents, study and industry have marked out for them. Once fairly won upon the public stage of art, in any of its branches, and all will most certainly find their level. It is when they cannot reach the public in the fitting place to appeal to the public judgment, that the possessors of excellent gifts and fine artistic finish do not take their proper place. There is nothing in the world more severely just and omnipotent than the public judgment pronouncing itself upon the *artist* upon the stage, either in opera or the plain drama. The public everywhere choose their own favorites, and managers everywhere accept them. The reasons are too clear to need a pointing out.

"The members of our Deseret Dramatic Association have had the chance of taking their own places and finding their level. Let those who think differently take for an example David McKenzie. Now, among regular professionals of the East where the numerous dramatic *corps* are found organized with much completeness and classified with the nicety of managers studying profoundly the condition of their exchequers, we own that it requires much perseverance, artistic training and slow progress, besides natural talent for actors and actresses to find their level. Why, not even by their equals may your Garricks, your Kembles, your Siddonses, your Keans, your Macreadys and your Forrests be displaced. Could their doubles come they would have to wait until their originals were dead before they could find their level and take their places. But, it is very different with our Deseret Dramatic Association, when all were as on probationary examinations before the public, to have pointed out their proper places and receive their diplomas and their due degrees. For instance, it is most evident that had any of the lady candidates proved equal to fill principal places, not even yet filled, ample opportunities have been offered. Indeed the management have necessarily somewhat trespassed upon the consideration of the public in their good natured trials of lady amateurs. These facts should at once be significant hints aud encouragement to aspiring members of our dramatic association, and they should remember that in every profession much labor and training, as well as talent, are necessary for excellence and eminence.

"Since their *debut* in our theatre the association has made much improvement, and some of its members have written their marks and stamped their individualities. Our comicalities of the company were the first to classify themselves, and Margetts, Dunbar and others, became decided portraits and distinctive caricatures. The professional element has also been introduced, and moreover, even the association itself has put on somewhat of a professional character and show features of the professional face. Doubtless this mixing of our home talent with trained and legitimate *artists* has tended much to the training and accomplishments of our amateur *corps*, and created both for the theatre and the company, a professional character. In time both will assume a professional caste, and its amateur

type be only remembered as forming the first pages in the history of theatricals in Utah.

"The professional element having been once introduced in the persons of Mr. Lyne and the Irwins it was not enough that the plays should be put upon the stage in that solid magnificence and pictorial illustration which has so delighted everybody, but the public looked to see the dramatic *corps* show the features and style of the profession. It was a mixed house in the first place, and in the second, theatricals here are commercially the same as everywhere else, and the public had paid for admission to a first class looking theatre; what wonder then that it should almost ignore the fact that an amateur company were on the boards. The management has had to nicely calculate this and make both the theatre and the company as professional in their character as possible. This has been partly effected by the mixing of foreign *artistes* with home talent, and partly by the style and completeness with which the plays have been put upon the boards.

"Even the most good-natured in a ward meeting become most unmercifully critical and sourly inconsiderate in a theatre—aye, even to our very bishops; for the public are in a secular house for artistic exhibition and not in a tabernacle or religious temple. Not even is justice done an amateur *corps*, and we never expect to be so generally censured for critical severity as we were by the public for too much praise and considerate wording of our criticisms last year. We have a painful sympathy for the writers of the theatrical notices and descriptions found in the *Deseret News* and *Daily Telegraph*. The public ranks them, as of course it will ours, frightfully below the mark; and doubtless the dramatic association puts them twenty degrees lower still. There is nothing that concerns any one excepting praise; and that soon gets stale and meaningless, and it would be quite a relief to the members to have the public view. It would preserve them from *ennui*. There are only one or two occasionally for whom they possess interest. Sister Marion when her 'cadence' is touched of course is interested, and Brother Hardie who was rather stiltish upon the stage *in his first appearance*, is also doubtless a good natured subject to offer upon the altar. But great Jupiter, and all the other heathen gods, why select Sister Marion when this same defect of cadence and modulation is one of the most noticeable defects of the association generally.

"The most marked individuality yet offered by the association from its own *corps* is Mr. David McKenzie. This gentleman is by natural instincts an *artist*. In the public judgment he took the laurels from Mr. Irwin, a professional actor, and obtained first parts for himself. Mr. Lyne is an actor of the old school, of great experience and no mean standing. In fact in his *role* he is a power upon the stage in Salt Lake City, yet Mr. McKenzie held his ground with him in 'Damon and Pythias.' The most striking personality, however, and the most refined and finished *artist* that has yet appeared before the theatrical world in Utah, is Geo. Pauncefort."

Lyne opened another engagement in the famous old English play of Massinger—"A New Way to Pay Old Debts." Nothwithstanding Lyne's preference for his Damon and William Tell, his Sir Giles Overreach was a superior character execution to that of either. It was one of those characters to which he was organically fitted. It is of a higher class than either Damon or William Tell. Edmund

Kean laid Sir Giles Overreach along side of his Richard III. and Shylock, but it is doubtful if he would have condescended to Damon or William Tell. Lyne's Richelieu and Richard III. followed, and scored his greatest dramatic marks.

Pauncefort alternated with him in "Don Cæsar de Bazan;" "Black-Eyed Susan;" "The Duke's Motto;" "Hamlet;" "Belphegor, the Mountebank;" and, on January 5th, 1865, he played Macbeth. Locke's music to "Macbeth" was rendered in character by the Tabernacle choir. Phil. Margetts, H. E. Bowring and Wm. C. Dunbar took the parts of the three weird sisters, who lead the witches in their demoniac music, and George Teasdale, as Hecate, led the theme, "We fly by night."

The stock company again held the stage. They were now capable of executing star plays of the second class. Their casts for the season were: "Colleen Bawn," "Rob Roy," "The Octoroon." "Uncle Tom's Cabin," "The Rag-Picker of Paris," and other plays of a similar class, with some good comedies and "roaring farces." David McKenzie also played Macbeth; which was the second time of the performance of Shakspeare's greatest play on the Salt Lake Stage. Mrs. Gibson was Lady Macbeth, the character which she had sustained to Pauncefort's Macbeth. Lyne came in one night of the season as Sir Edward Mortimer in the "Iron Chest;" and McKenzie, having scored a triumph in the character, repeated Macbeth. The stock company held the stage from January 14th to to August 11th, excepting one night with Lyne and three nights with Mr. and Mrs. George Chapman. This was a splendid achievement of the stock in continuing the season, playing to full houses, with Lyne and Pauncefort fresh in the public mind.

But it was the coming of Julia Dean Hayne, in the Potter troupe, that gave professional caste to the Salt Lake company, for, though she ran her first engagement in the Potter troupe, she was so charmed with the feeling of restfulness which came over the painful tumult of her life, that she sought, as it were, sanctuary in the dramatic temple of the Mormon people. Her professional opportunities in Salt Lake City were rare; her salary $300 a week; her frequent benefits golden harvests; but it was her pleasant associations on the Salt Lake stage, and in the private circles with the actors and their families, that induced Julia Dean to tarry in Salt Lake City nearly two years, and to condescend to take the sceptre of a local company of Mormon amateur actors and actresses.

Julia Dean Hayne had gone to California in the flower of her youth, but ere she left the east she was famous as Julia Dean, and when, two years after her arrival in Salt Lake City, she returned to New York, it was as Julia Dean that she figured on the play bills in her initial engagement at Winter Gardens Theatre, once famous as Edwin Booth's Theatre. In her maiden days she made her debut in the Old Bowery, New York, in Julia, in the "Hunchback," and before she came West she had won national fame. But for the matchless dramatic power of Charlotte Cushman, the Siddons of America, Julia Dean would unhesitatingly have been pronounced by the American public the queen of the American stage. As it was, Mr. S. R. Wells in his famous book—New Physiology—which embodies the types of characters of every class, engraved the likeness of Julia Dean in his group of the greatest actors and actresses that had sprung from the Anglo-Saxon

race, up to the time of his writing, ranking her in the group with Garrick, John Kemble, Edmund Kean, Junius Brutus Booth, Edwin Forrest, Sarah Siddons, Charlotte Cushman and Mrs. Mowatt Ritchie. After an absence of a number of years in the west, she was returning to the east in the maturity of her womanhood, to take the sceptre of the American stage left by Charlotte Cushman, who had entered another life, and which at the time she started from California, the theatrical profession east and west deemed would be fitly swayed in the hand of Julia Dean. There could still be seen, and seen perhaps to this day, in the club houses where actors' resort, the likeness of Julia Dean in costume in her characters played in New York in her maiden days. Perhaps she lost her opportunity in the east, before the advent of Ristori and Mrs. Landor as Queen Elizabeth, by tarrying in Salt Lake City in the autumn of 1865, instead of proceeding at once to New York. But the Salt Lake company paid quick and heartfelt homage to her as their queen, the Salt Lake public worshipped her in their dramatic temple; and, being a woman of deep feeling, her heart was touched, and in love she took the throne of the Salt Lake stage, where she reigned with peace and comfort.

Julia Dean Hayne made her debut in Salt Lake City in the Potter troupe, on the night of the 11th of August, 1865, in the play of "Camille." On the 12th she played Mrs. Haller and the Jealous Wife; these were immediately followed with her Griseldis, Julia, in the "Hunchback," "Leah the Forsaken," "Fazio," "Katherine and Petruchio," "Love," "Romeo and Juliet," "Women in White," "East Lynne" and "Camille," at which we pause for review.

Mrs. Hayne's personation of the character of Camille most affected the theatre-going public of our city. The extraordinary emotion which she put into the part, her perfect imitation of the consumptive cough and the actual consumptive condition which she threw herself into, it is said so affected by sympathy the constitution of Mrs. Gibson, who had reigned on the stage before Julia Dean Hayne came, that it hastened her decline to the grave; thus exquisitely do the children of genius feel the crossings of human life and enter by sympathy into all the emotions of the human heart. Julia Dean dared not play often the class of parts to which Camille belongs, as they always made her sick, and in six months, repeated every night, the intensities of the part would have taken her also to the grave. Upon her performance of this play, "Alpha," who was still the critic of the Salt Lake Theatre, wrote:

"SEPTEMBER 1, 1865.

"*Editor Telegraph:*

"I said, in a former communication, that an engagement robbed me of the privilege of seeing Mrs. Julia Dean Hayne in her great character of "Camille."

"Last night I saw "Camille." It was indeed a painful illusion of individuality. No person sensible to the subtle sympathies of nature, which communicate feeling from soul to soul, and no one acquainted with the realities of society, but what must have felt that in her very self Camille had come to live, to agonize and die before us. It is true our knowledge, in disregarded undertone, said, it is Mrs. Julia Dean Hayne playing a part on the mimic stage, but the logic of feelings, in its strong emphasis, drowned that undertone of our knowledge and said it is Camille.

"Fictions! What are they? All that we read in books or see upon the stage which the superficial call so much made up lie? No, no; these are not fictions. Often times in books and upon the stage, we are made to see and feel realities, more than in real life we see and feel them. We meet them in life, but in the buzzing of the busy world around us, and in the crowd of our own concerns, we are not struck by them in their marked individualisms, nor affected with their experience and their lives. In the practical world, we almost exclusively feel ourselves and our own concerns. Enough, most times are these, to fill our daily page; but in the books and at the theatre, we lay aside ourselves awhile, to see the personalities that move around us daily. We live with them in communion there, feel their joys and sorrows, and sympathize in their experience.

"The stage is a great humanizer and a powerful preacher, when properly fulfilling its mission. We are in communion with humanity through it, and callous must be the nature that feels not the brotherhood and sisterhood of mankind, and depraved indeed when it answers not to a noble sentiment, justifies the good and condemns the wrong. Very few are wicked or unjust in their sympathies with a play. The seducer likes not his own character there, the iron-hearted are sensible to more of nature's tenderness, society asks forgiveness of its victims, and weeps for them. It may be somewhat heterodox in expression, but true in fact, that the world is more human,—sometimes more divine in the theatre, than at the church.

"Camille is no fiction; and because she is not, she is so affecting. How much sympathy and tears society will give her at the theatre, when it will outcast her in life, and denounce her from the pulpit. She is, on the stage, society's victim, and there we are just enough to own it, and tender enough to weep for her. What a painful lesson does she teach? It is that the best of human beings often are fallen, and the divinest of God's creatures are sometimes clothed in sin's scarlet robe, when the white one belongs to them. The history, beautiful nature and sad fate of Camille, is too painfully that of thousands of her class. Some of the best of womankind by nature, in some respects, are among them, fallen.

"Camille comes upon the stage to show us the two phases of her character and history, one of which she shows not in every-day life. She has there to conceal it and coquette with a tortured soul and commit her daily suicide, with a hopeful recklessness to reach the end. She comes that society may see its victims, and in her history and sufferings drink deep of reproaches against itself.

"Not only is Camille herself no fiction, but Mrs. Dean Hayne's personation of her, was also no fiction. Of all that she has represented before us, I think this her most perfect character. She made it so replete with consummate touches of nature and art, that it would be difficult to conceive anything more perfect.

"The whole company played Camille well. Mrs. Leslie and Miss Douglass are always satisfactory. They have much public favor and several of the gentlemen nightly win upon us. Mr. Mortimer was very good last night. He always is efficient in the company and plays naturally. Mr. Potter is an experienced actor and well suits the parts he takes; Mr. Leslie and the rest, though not aspiring to be stars, make up, as far as their number, an efficient stock company of professionals. As for Mr. George B. Waldron, I like him better than at first. He is a very promising young man, a careful artist, and what is so necessary to success,

shows much ambition and enthusiasm in his profession. A softening of a few features and a copy of a few of the examples that he always has in the lady he sustains, and Mr. Waldron may hope from his natural abilities to win a high esteem in public favor."

After her second performance of Camille, Mrs. Hayne played "Medea;" "The Love Chase;" "Lucretia Borgia;" Lady Macbeth; "School for Scandal;" Parthenia, in "Ingomar;" "Our American Cousin;" "The Wife;" "Lady of Lyons;" "Masks and Faces;" "The Wife's Secret; "Evadne;" "The Fatal Mask;" Portia; Gamea, and other plays of a similar class; and, strange to say, "Aladdin," during the new year holidays of 1866. She next appeared in "Eleanor De Vere," written for her by Edward W. Tullidge, who had won her friendship by his theatrical reviews of her many superb parts, every one of which in her hands were works of the highest dramatic art. In this respect of art work Julia Dean Hayne had, perhaps, no equal, either in America or England —certainly no superior. Ristori and several others may have surpassed her in genius, but everywhere her exquisite art execution was accounted near perfection; grace was in all her motions; she wrote poems in her pictures on the stage, and her imperial presence commanded universal homage.

Manager Caine visited the Eastern States, to recuperate his health and take professional points to place the Salt Lake Theatre on the highest grade of management. Learning of this intention, our influential citizens, both Gentiles and Mormon, united to give Manager Caine a grand testimonial benefit. During the season a similar testimonial had been given Julia Dean Hayne, but this was the first benefit ever given to a member of the Deseret Dramatic Association. It was known that President Young was not favorable to the introduction of the benefit system among the home company, he looking upon "his" theatre very much as a dramatic Tabernacle, and the giving of a testimonial benefit to the manager was, in his sense, very much like the public extending to himself a testimonial benefit, as the builder of the theatre and the president of the Deseret Dramatic Society. We believe he would very much have preferred to have given Manager Caine a handsomer benefit out of his private purse, but the public generally had resolved to express its own sincere appreciation of the manager's work, and the President, with his fine diplomatic tact in dealing with a strongly expressed will or pleasure of the public, graciously yielded the point. This is the history of the beginning of benefits in the Salt Lake Theatre.

Immediately thereupon the Salt Lake Daily *Telegraph* announced

"The original historical play of 'Eleanor De Vere,' written for Julia Dean Hayne, by Mr. E. W. Tullidge, of this city, has been chosen by the management for the complimentary benefit of Mr. John T. Caine."

The night of the performance was on February 5th, 1866. It was said that Julia Dean Hayne made her greatest triumph in Salt Lake City on that night. The applause was great and very prolonged; the audience clamoring for the actress, the author and the manager, who with his sensitive judgment pressed the first honors of the call on the former; and, on a renewed insistence for his appearance closed with the following speech, which in itself is quite a suggestive passage of our dramatic history:

"*Ladies and gentlemen.*—I am highly gratified with the compliment which your presence here this evening confers upon me, and feel more the deep sense of my obligation than I am able to express; there is no human nature insensible so a compliment of this kind; there is no human nature that is insensible to expressions of personal regard. If I am permitted to judge from the very flattering terms in which my humble abilities and labors in connection with this theatre have been spoken of, since the subject of this testimonial was first suggested, I fear they have been over estimated; but—be this as it may—it is none the less gratifying to realize that my efforts have given some degree of satisfaction to the patrons of the house.

"Isolated as we are in this country— as we *used* to say 'a thousand miles from everywhere,' it is pardonable to be proud of so noble a structure as this—conceived, designed and executed by a master mind, it stands to-day, a noble tribute to the refining and elevating influence of the drama. Carrying out the designs of its founder, it has been the aim of my worthy colleague—Mr. H. B. Clawson—and myself, never to present anything on this stage that was debasing or demoralizing in its tendency, or that would cause the blush of shame to crimson the cheek of purity and innocence. If at any time anything has been presented that would have such tendency, it has been the result of accident, not design. For while striving to 'hold the mirror up to nature,' we have sought to draw a pall over that which was not calculated to benefit and elevate fallen humanity—so may it ever be—and may the drama, occupying its legitimate sphere, go hand in hand with the sister arts, music, sculpture and painting, on its mission of exaltation to man.

"I contemplate leaving you for a short time, with the purpose of visiting the great eastern cities, to recuperate my somewhat exhausted energies, and to collect, from experience, information and material which may tend to render our theatre still more attractive, interesting and worthy of patronage.

"A feeling of regret steals over me when I think of leaving those with whom I have so long held such pleasant relations, but hoping to meet you on my return, thanking you for your kind patronage to-night, and still more for the kind feeling you have manifested toward me, and thanking those who have contributed to this entertainment I beg to say farewell to one and all, and wish you, ladies and gentlemen, a very good night, and all the prosperity your hearts can desire."

During his professional visit to the States, Mr. Caine assisted in the immigration of that year. After his return he resumed his place in the management of the theatre, and in 1867-8-9, Clawson & Caine were its lessees.

After the close of the season, in the latter part of April, 1866, Julia Dean Hayne left for the East; and at the next season, opening in November, the Irwins played two nights, and then the stock company ran alone until March, when Lyne resumed his great characters for a month, and the stock continued with Miss Adams and Miss Alexander starring. George Pauncefort was next engaged and his *role* repeated with some fresh plays of his line. The fine old actor, Couldock, (with his talented daughter) was the next star that held its course for awhile in our firmament. "The Willow Copse," "Louis XI.," "Dot," "Jew of Frankfort," "Richelieu," "Waiting for a Verdict," marked his class of plays

in some of which he had no equal. Mr. and Mrs. Langrish interspersed the season, and Amy Stone ran the lighter drama for nearly three months, and then Couldock came on again with the "Stranger," "Merchant of Venice," "The Hunchback," "King Henry IV.," "Old Phil's Birthday," "Porter's Knot," "Chimney Corner," and repetitions of his parts. Mr. James Stork from California ran in the opening of the year 1868, with "Brutus," "Money," "Merry Wives of Windsor," and "Jack Cade;" and the stock resumed with Margetts and Lindsay starring, the latter in "Hamlet." Mr. and Mrs. Waldron were engaged awhile, and "King Lear" was played for the first time in Salt Lake Theatre. Madame Scheller and Charlotte Compton appeared about this time, Scheller starring for several months in a fine line of parts; her Ophelia, which she had played to Edwin Booth's Hamlet, was pronounced by him the best on the American stage. Miss Annette-Ince (a great actress) followed in a number of plays of Julia Dean Hayne's cast, to which was added Ristori's "Mary Stuart," and "Elizabeth Queen of England." Edward L. Davenport, in his Julian St. Pierre, in "The Wife," gave the most finished piece of acting ever witnessed here; T. A. Lyne repeated his "Pizzaro, and the stock followed alone, playing during their course "Louis XI.," and "Jack Cade." Parepa Rosa interspersed with a grand concert, and John McCullough came on with his *role*, with Geo. B. Waldron and Madame Scheller starring with him; "Romeo and Juliet" being in the *role*. McCullough ran a month and Waldron and Scheller continued. In February, 1859, Miss Annie Lockhart came, and remained the leading lady of the stock till her death, in the fall of 1869. Mr. J. A. Herne and Lucille Western were engaged, and for the first time "Rip Van Winkle" was performed here. Fanny Morgan Phelps was the next star, Annie Lockheart holding the stage with her. Mr. Charles Wheatleigh starred awhile, and the Howsons varied the season with opera. G. G. Chapman, Lotta with her exquisite Little Nell, Mr. and Mrs. Kennedy, Miss Geraldine Wardon, and Murphy & Mack's Minstrels filled up the season. Neil Warner was engaged the next season, and his "Richard III.," among his Shakspearian *role*, was pronounced the best Plantagenet performed on this stage. After the death of Annie Lockhart, whose remains the Deseret Dramatic Association followed to the grave, Madame Scheller again reigned awhile, but Kate Denin superceded her, and held the stage with John Wilson. Charlotte Thompson played an interval, and Denin and Wilson resumed, bringing up the seasons to May, 1870, when the stock company resumed. Couldock and daughter returned with their parts in December, and Miss Sallie Hinckley and G. W. Thompson ran the opening month of the year 1871, when Milton Nobles relieved them, and the stock resumed their business, followed by a number of minor stars, alternating with the stock company. During this time up to 1871, Waldron played a long engagement, Joseph K. Emmet appeared and W. T. Harris, afterwards manager of the Salt Lake Theatre, made his debut. Couldock and his daughter held another engagement, two months, and the Lingard company and others followed, the stock company having been now nearly displaced. The famous and most classical actor, Edwin Adams, reigned awhile, and John McCullough exchanged characters with him, giving to the Salt Lake public the rarest classical treat.

With the retirement of David McKenzie from the stage, in December, 1869,

the old Deseret Dramatic Company may be said to have ended its career. There was left now of the founders of the Salt Lake stage Phil. Margetts only, though some of the later members were occasionally mixed in with the new stock. For awhile longer John Lindsay and James M. Hardie remained. Their lines will be sufficiently marked by naming that Lindsay played Iago to Neil Warner's Othello, and Hardie, Cassio.

During the years 1871-2-3-4, the names of the stock casts, changing from time to time, were J. M. Carter, J. M. Dunne, E. B. Marden, H. Haines, Mark Wilton, W. T. Harris, W. J. Coggswell, the leading man, and in 1874, James Vinson, Wm. C. Crosbie and Mr. Frank Rae, a veteran of the eastern stage, as Vinson was of the California stage. These were all actors "from abroad," though now combined as the Salt Lake stock company. The professional ladies were Carrie Coggswell (once the wife of T. A. Lyne), Kate Denin (principal lady), Mrs. Frank Rae and Mrs. Crosbie, and later, Jean Clara Walters. The local names were A. L. Thorne, M. Forster, D. J. Mackintosh, Harry Taylor, Logan Paul, H. Horsley, with the favorites Margetts and Graham returning occasionally; and, on the engagement of Mrs. Landor, McKenzie returned to support her Mary Stuart and Marie Antoinette, in the parts of Leicester and Louis XVI. The local ladies were Miss Adams, Mrs. M. Bowring, Mrs. Grist, Miss Susie Spencer and Miss Napper, the three former ladies, however, only playing in the early date of the new combination. John Lindsay, having joined the Godbeites, had retired from the company, and James M. Hardie had gone to the States seeking national fame. In 1874, James Vinson was stage manager and practical director of the company, while John T. Caine was still the generalissimo of the institution.

While this stock combination, in a professional sense, may, in some features, be said to resemble more the ever changing stock companies of the large cities of America, it came not up to the old Deseret Dramatic Association in enthusiasm and the endowment of a dramatic mission to our city, for our local members, who played at the onset without "wages," really showed themselves the kin of the poets who "lived and died in garrets," but who created the literature of nations; while at times the old stock company, when running their seasons under a Julia Dean and G. B. Waldron, a Lyne and a Pauncefort together, a Couldock, a Davenport, and an Edwin Adams and John McCullough, the Irwins and an Annie Lockhart, surpassed the new combination many degrees. Indeed the "stars" have confessed, admiringly, that there was no stock company in America that could equal the Salt Lake company at such times, nor would those great actors of national fame have owned themselves the heads of a local company, for the time being, as they did here where the charms of a unique association made them almost forget for awhile that they were of the national dramatic stars. Perhaps only in the great theatres of London, where the stock companies are the constant "stars of the town," has there been so exact an example of the theatrical origins of the Anglo-Saxon stage as illustrated in the times when Garrick, the Kembles, Macready, the Keans, the Brooks and the Phelps reigned as the kings of the stock, as that shown in the first ten years of the history of the Salt Lake Theatre. True, Wallack's Theatre, Booth's Theatre, and the great theatres of Boston and other eastern cities have, taken together in the round, each sustained almost perfect

companies, in their several special Shakspearian plays and classical comedies; but here, in Salt Lake City, with the very stars of these companies fast succeeding each other, and sometimes in combinations, supported by the local stock, the plays performed in those theatres from the highest range of the heavy legitimate drama, to the limits of the range of the light legitimate, as seen in the foregoing casts, running through a period of ten years, with the seasons scarcely broken by short intermissions, *all* have been performed on the Salt Lake stage. It is indeed a most worthy theatrical history, which will be noted in coming generations with admiration.

Here we may pause for personal sketches of leading members of the old home stock, whose achievements will remain in the attached remembrance of the present generation of the Salt Lake public, who traced them in their respective lines, with a personal kinship of fellow citizens, from their first appearance to the close of their professional career. First in rank of that "dear old stock" (for as such they live in the hearts of our people) is David McKenzie, who fairly by his own talents as an artist, and his perseverance as a student, won his way from the bottom to the top of the ladder of local fame.

David McKenzie was born at Edinburgh, Scotland, December 27th, 1833. He was bound apprentice to engraving, June, 1845, and served seven years as an apprentice and two years as journeyman. He joined the Mormon Church in Glasgow, February 11th, 1853, and emigrated to Utah, March 6th, 1854, where he arrived October 11th, of the same year.

Two days after his arrival in Salt Lake City, he was voted in a member of the Deseret Dramatic Association; he made his first appearance on a theatrical stage (in the Social Hall) the same week in a supernumerary part in "All is not Gold that Glitters." At the opening of the Salt Lake Theatre he appeared in a second class part as a *gendarme* in the "Pride of the Market," itself but a second-class piece of the minor drama; but it was soon noticed that the tuition of T. A. Lyne was not lost upon upon him. He gradually won his way up, in the ascent playing Pythias to Lyne's Damon; but it was as Colonna in "Evadne," to Irwin's Ludovico, that called marked attention of the public to his ability. Alpha, the critic, as seen in his foregoing review, at once pronounced McKenzie a dramatic artist, and ranked him at the head of the stock. He had seen the great Vandernoff as Colonna to Davenport's Ludovico, in Liverpool a year or two before, and with the character of one of that proud Italian house, that had often made a Pope for Rome, fresh in his memory, he was struck with McKenzie's conception of the character, which, while it lacked, of course, the mighty weight of Vandernoff, was rendered in its proper type. His Danny Mann in the "Colleen Bawn," was a rare piece of character acting, which has never been excelled to this day on the Salt Lake Stage. Father Jean, in the "Rag-Picker of Paris, was also a rare part. His Jacob McClosky to Irwin's Salem Scudder, in the "Octoroon," fairly held the stage in rivalry with the star, and this was the more marked from the fact that Jacob McClosky is the repellant part, though in the hands of a principal actor it is the character of the play. Irwin seemed not to have measured the steel he was crossing, for he was really playing seconds to the local actor. In the "Hunchback" Mrs. Irwin was Julia; her husband Sir Thomas Clifford, and McKenzie

Master Walter. McKenzie had now Macready's part (played first to Fanny Kemble's Julia) but Master Walter was pre-eminently in McKenzie's line. Had he failed (speaking exaggeratingly) he would have earned a coffin; he succeeded and won a laural. He was now head and shoulders above Irwin. Quickly after George Pauneefort's Macbeth, McKenzie played Macbeth, and it is sufficient praise for a critic to say he did not fall in his leap. His Macduff was pronounced a great part, and his Col. Dumas was a rare piece of character acting. But his Polonius, to a Shakspearian judgment, would place him the highest as a dramatic artist. When he played the part to John McCullough, that prince of the American stage remarked "Mr. McKenzie's Polonius is the best I ever saw." Polonius is not a small part, but a great Shakspearian part; Horatio is a third class Shakspearian part compared with it. It is not a mile of text that constitutes a great character, but some distinctive type. Polonius is not only a type, but a Shakspearian creation. His profound self-wisdom, in which he is utterly lost, is inimitable; and, like Sir John Falstaff, he utters sentences of common philosophy that will live through all time:

"Though this be madness, yet there's method in it."

There is not half a dozen actors in a nation that can play Polonius. A quarter of a century ago, when the Liverpool critics were wont to challenge Barry Sullivan's Hamlet against London, they always added, "Old Baker (Liverpool's favorite) is the best Polonius in England." So when John McCullough made his remark it signified, "Mr. McKenzie is the best Polonius in America."

Having sustained the leading business for years, David McKenzie retired from the company in December, 1869, and became President Brigham Young's corresponding secretary. In June, 1874, he was appointed to the British Mission, where he presided over the Scottish conference, until he was called to the Liverpool Office to assist in editing the *Millennial Star*, and in the general business of the office. Returning home in 1876, he resumed his position in President Young's office; and, at the incorporation of the Salt Lake Dramatic Association, he was appointed its secretary; and from that time until the present he has also been acting manager of the Salt Lake Theatre. His first appearance for several years was in October, 1880, as Jacob M'Closkey, in "The Octoroon," the occasion being a benefit tendered him by the "Home Club," for services as instructor to the Club. The house was "crowded to suffocation."

Bernard Snow, whose name in the order of date ranked before that of David McKenzie, but who retiring early can only be placed at the head of the amateur dramatic *corps* of the Social Hall, possessed considerable native talent for the stage, and had he passed a regular training under such masters as Macready, Vandernoff, or Forrest, may have reached a star magnitude. He played Virginus, Othello, Damon, Rolla, Sir Edward Mortimer, Matthew Elmore, and Ingomar, his proper line of characters; but when he came to the task of interchanging in his chosen parts with the veteran T. A. Lyne, the public which named him the "Rocius of the Rocky Mountains" realized that he was eclipsed many degrees. It was perhaps this realization of the public judgment which caused him to retire. He could not, as McKenzie did, hold his own with the stars without constant

sense of eclipse, yet still in our theatrical history he is worthy to be remembered as a local star of the amateur days.

General James Ferguson, a man of brilliant intellect, an officer in the Mormon Battalion, adjutant general of the Nauvoo Legion, and editor of the *Mountaineer*, was as a brother of Bernard Snow, to whom he played Pythias, and in his own sphere shined as Claude Melnotte, and played a fitting Don Cæsar De Bazan and Iago to Snow's Othello in the Social Hall. He died early in the history of our theatre, and his memory lives apart from the sphere of the stage.

Hiram B. Clawson, as before noticed, was a member of Lyne's company at Nauvoo, and it was he and John T. Caine who were instrumental in moving President Young to build the theatre, which was run so many years under the management of Clawson and Caine. He possessed considerable native talent for such a line of character parts indicated by his "Old Phil's Birthday," "Porter's Knot," and in the "Chimney Corner," which were three of the favorite characters in which Couldock starred. Hiram B. Clawson retired at an early period from the stage, and occupied the position of the first superintendent of Z. C. M. I., but still retained his position in the management.

John T. Caine at the onset headed the stock company. He played Duke Aranza in the "Honeymoon," "The Charcoal Burner," Sir Charles Coldstream in "Used Up," Pizarro to Lyne's Rolla, Eustache Baudine, Stephen Plumb, in "All is not Gold that Glitters," and other leading parts, but he had also retired to the fitter sphere of the managemen :; and also became one of the founders and editorial managers of the *Salt Lake Herald*, city recorder, and later was elected the delegate from Utah to Congress. His general biography will be found elsewhere.

John S. Lindsay first appeared in "Thompson's Theatre," but attracting the attention of the management was soon called into the stock company of the Salt Lake Theatre. Of him the local critic wrote in 1869: "Mr. John S. Lindsay has treated us to some very fine playing of late. His Michael Feeney, in "Arrah-na-Pogue" was a masterpiece of its kind. He ever plays well. There is vim in his action and force in his character. He is constant in his efficiency, always ready in his scenes, never lacking in his parts. He has played among numerous characters on our stage, Ludovico, Iago, Hamlet, Richelieu, Romeo, and Macbeth. For years now he has been traveling in his profession both in the Western States and Territories and also in the East.

James M. Hardie, a favorite pupil of T. A. Lyne, with considerable of his master's style, early became a favorite of the public. He played the principal male character, Raphael, in "The Marble Heart," to Annie Lockhart's Marco, "Jack Cade," and other star parts of a similar line. The critic wrote of him in 1869: "James M. Hardie is decidedly a rising actor. We expect to see him make a name in the world. There is in him metaphysical force and physical weight, combining a fine appearance. In heroic parts he can reach the top of the tree. He must aim for professional perfection. That is a work of art. Nature has given him all the force." For years now he has been starring in the Eastern States.

Mr. Philip Margetts has been treated in the dramatic history as one of the

fathers of the Salt Lake Stage, but here, in these brief biographical passages, a few of Phil's great comedy parts may be instanced as theatrical record. His Valentine Verdict, the grand juryman, in the "Charcoal Burner," was immense; so also was his Jeremiah Clip, in the "Widow's Victim;" his Dickory, in the "Spectre Bridegroom," and his Mock Duke may "challenge the world" for their match. He was great in Toodles, first Grave Digger in "Hamlet;" and immense in the Illustrious Stranger. The last few years he has traveled through the Territory with companies of his own, and sometimes with provincial companies, playing character parts, such as A Party by the Name of Johnson, in the "Lancashire Lass;" Old Phil, in "Old Phil's Birthday;" Peter Probity in "Chimney Corner;" Post Boy, in the play of that name; Martin (Old Fidelity) in the "Will and the Way;" and Middlewick, in "Our Boys."

John C. Graham, in his line of comedy, stood unrivalled in the Salt Lake company from his first appearance on our stage. In Liverpool, his native place, he first showed his dramatic talent, and his friend, E. W. Tullidge, who at that time was reading Hazlett and others of the best English critics, encouraged him to train himself for the theatrical profession of Salt Lake City. Though he had scarcely reached the age of young manhood, at the festivals given in the Liverpool branch, J. C. Graham was always put down on the programme for a dramatic personation, which he generally selected from the fine English comedies. Sheridan's Sir Peter Teazle, from the "School for Scandal," was at that time his favorite. "John C." continued his dramatic practice for several years in Liverpool, and, on his arrival in Salt Lake City, in November, 1864, he immediately became the leading comedian in his line, as Mr. Phil. Margetts was in his; indeed these favorites alternately took the laurels of comedy, each in his own characters. Graham for a period of ten years held the favor of the Salt Lake public; and his benefits in the old times were quite ovations. His low comedy parts embraced the entire range; yet critical friends have cast him at his best in the higher role, and pronounced his Lord Dundreary scarcely inferior to Southern's. Graham was for a time the acting manager of the Salt Lake Theatre; and to-day he holds a similar position in Provo, in theatrical management and theatrical performances, as he did for so many years in Salt Lake City.

William C. Dunbar was of all the comedians of our company the most unique in his type. He entered the Deseret Dramatic Association in 1853, and played first at the Social Hall. Paddy Miles' Boy was one of his initial hits in the amateur days, before the building of the Salt Lake Theatre; and besides his comic character parts, he won loud local fame as a singer of character comic songs. In this line he was nearly inimitable. We never heard, even in England, a rarer comic singer than Dunbar. When the Salt Lake Theatre opened, W. C. Dunbar appeared in the initial farces. "Paddy Miles' Boy," figured on the second night. "The Irish Tutor" was personated by him with infinite drollery and the true Irish typing. In the "Colleen Bawn," his Miles da Coppaleen, equaled in its line, McKenzie's Danny Mann. In "Rob Roy," his Nicholei Jarvie was "immense," his Scotch conception and mannerism enabling him to render Balie Jarvie in Sir Walter Scott's own style. In "Hamlet," Dunbar was one of the gravediggers, a part which always requires a good Shakspearian comedian, or Hamlet's

own scene at Ophelia's grave is half spoiled before he comes on. It is praise to say Dunbar gave to his Gravedigger Shakspearian tones. There were various other characters of mark in which he appeared, while on the stage, but the above named will show his peculiar line, in which he must be marked in our dramatic history with local fame. He will also appear among the founders of the Salt Lake newspapers, still in association with John T. Caine as he was with him on the stage.

Mr. Joseph M. Simmons was one of the original members of the Deseret Dramatic Association. He was elected a member of the Association in the spring of 1852. In his line of parts as the gentleman of the company, he became at once very useful; and in the plays where the tender romance of love abounded, he was nearly always the hero of the love episode. True he was never cast for a Claude Melnotte; but Sir Thomas Clifford to a Ferguson's Sir Walter, or later, to McKenzie's Sir Walter, was the part which the manager would always cast to Mr. Simmons. In Pizarro he played Alonzo to Mrs. Gibson's Cora; and he performed the part with that genuine enthusiasm and generous fearless spirit so becoming in a Spanish cavalier, and the pupil of the good Las Casas, in defence of his Indian princess and her people, as against Pizarro, the haughty invader who had loved his talented Alonzo as an adopted son. The character is quite difficult, lest, in playing for love, his child, and the Peruvian people, he should seem to the audience an ingrate to Pizarro and traitor to his own country. But Simmons' Alonzo manifested all the best elements of the character; and he will stand in our theatrical history as the representative Alonzo of the Deseret Dramatic Association.

Horace K. Whitney was also one of the founders of the Deseret Dramatic Association; and in his character as one of the pioneers of the Salt Lake Stage. he fitly kept up the personal interest which attached to him as one of the Pioneers of the country. He was enrolled in the "Musical Dramatic Association" formed in 1850; continued in the re-organization under the style of the Deseret Dramatic Association and played through the theatrical days of the Social Hall, and during the first years' performances at the Salt Lake Theatre. He played Jasper Plumb, in "All That Glitters is Not Gold;" Duncan in "Macbeth;" Sunnyside in the "Octoroon;" Admiral Kingston in "Naval Engagements," and characters generally of a similar line.

Henry Maiben was enrolled with the re-organized company that played in the Social Hall, and, therefore, though not one of the organization of 1850, he was one of the first members of the Deseret Dramatic Association. He was associated with an amateur company in England, and being a coach painter and an artist in heraldry painting he had a natural inclination to art performance. He was a typical comic singer; his "Man That Couldn't Get Warm" was inimitable. He was a good comedian and in a certain line of parts none of the other comedians could so well have filled the place. His Tobias in the "Stranger," though a small part was, a gem. He was the fancy dancer of the company and in Christmas Pantomime he was Pantaloon and Harlequin.

Briefly must be noticed the ladies of the Deseret Dramatic Association. Precedence belongs to Mrs. Margaret Clawson. As Miss Judd this lady stands alone in a niche of fame, she being one of the founders of the drama, in 1850. For

nearly twenty years thereafter she sustained the company in a class of characters of a representative line, for which no other lady of the stock was fitted. Judy O'Trot was one of her great parts.

Mrs. L. Gibson was a lady endowed with dramatic genius, as was exemplified in her Lady Macbeth, in which she was never surpassed on our stage excepting perhaps by Miss Ince. Had Mrs. Gibson not died so early in our theatrical history her name would have become famous as a local star.

Mrs. Marian Bowring long held the Salt Lake stage as a local actress. Her Elvira is remembered to this day as a powerful and impassioned peaformance. Even Lyne as Pizarro was fully matched by Mrs. Bowring's Elvira. She also made an excellent Emilia in "Othello," as she did Juliana in "The Honeymoon."

Maggie Thomas, sister of Professor Charles J. Thomas, was a public favorite in chambermaid and comedy parts, and was a specialty as a stage songstress —"Barbara Jones with a song." In the burlesque tragic opera of "Bombastus Furioso," she "made a hit" in the burlesque character of Distaffins. She retired from the stage on her marriage to Mr. George Romney.

Miss Alexander was Utah's favorite soubrette actress. Good-for-Nothing Nan was one of her best. She is the actress of whom Hepworth Dixon wrote: "Miss Alexander—a girl, who besides being pretty and piquant, has genuine ability for her work. A story, which shows that Young has a feeling for humor, has been told me of which Miss Alexander is the heroine. A starring actor from San Francisco, fell into desperate love for her, and went up to the President's house for leave to address her. 'Ha! my good fellow,' said the Prophet, 'I have seen you play Hamlet very well, and Julius Cæsar pretty well, but you must not aspire to Alexander!'" George Pauncefort was the hero of the story.

Miss Adams made her debut at about this time. She long held the favor of the public, and has for many years traveled, both in the East and West, as a professional actress. She has occasionally returned to Salt Lake, her native place, to star an engagement with the home stock.

Mrs. Alice Clawson, daughter of Brigham Young, was in the early days as a flower in the play; but she never claimed for herself special dramatic talent.

Miss Nellie Colebrook has reigned as the local queen of the stage. She early made her debut, and during her seasons the star characters have been entrusted to her, and rendered to the satisfaction of the public. She has a fine stage appearance, is graceful and artistic in her style, and her acting always manifests dramatic fire. Julia in the "Hunchback" marks her highest line. In the "Banker's Daughter," Nellie Colebrook won for the Home Dramatic Club its greatest triumph.

Annie Lockhart, though not a local star, must be named with tender remembrance. She was an excellent actress and a gentle lady. She died in our midst in November, 1869, and was reverently followed to the grave by the Deseret Dramatic Association.

Miss Couldock, the beloved daughter of the veteran actor, and worthy of her father's fame, also died in our midst and was buried by the association. She was the first person buried in the Episcopal cemetery; but her remains have since been removed to Mount Olivet.

Under the management of James H. Vinson, after the retirement of the old Deseret Dramatic Association, the theatre for awhile kept up its former prestige, and with the combination of stars with the imported stock, it was not quickly realized, even by the management, that theatricals were really on the decline, much of the local interest having retired with the home company and the home stars.

During this management a few notable names appeared on the bills: Miss Fanny Cathcart, (from a famous English family of actors), James A. Herne, John McCullough, J. T. Raymond, Dion Boucicault, T. A. Lyne, William Hoskins (one of London's best comedians), Agnes Booth, W. J. Florence, Katharine Rogers. These were the only names of special note during a period of nearly two years. Jean Clara Walters was the leading stock lady; and she was a better actress than the majority of the "stars" passing across the continent.

After Vinson, the active management fell into the hands of Mr. W. T. Harris. Returning from the Eastern States, Vinson tarried in Salt Lake City for a short engagement, opening in Tullidge's play of "David Ben Israel," he sustaining the title *role*. Then came the prince of actors, Edwin Adams. After their departure the stock company lingered, languished and died in the spring of 1879, when Manager Harris found it impossible to cast an ordinary piece, with all the auxiliaries of the city to fill the minor parts. Indeed there had really been no standing stock company for several years, but periodically there had appeared theatrical people, interspersed with minstrel companies, which in a way supplied a link between the fine theatrical history of our city as seen in the past with that of the future, when it is to be hoped the enthusiastic soul of that past will be transmigrated into a higher cast of home professionals.

The lesson to be gathered from the review seems to be, that this revival and the inspiring of the public with a sustained local interest, can only be brought about by similar methods and means as those which gave the former triumphs—a home company of talented artists. This review brings us at once to the history of the young Home Dramatic Club, as sketched by one of its members:

A new era in the theatrical history of the city may be said to have begun in 1880, when a number of young people belonging to well-known families, organized the Home Dramatic Club, and inaugurated a series of performances that has not yet ended, and which we hope will continue to entertain the citizens for years to come. The venture was probably an outcome of the many private entertainments of the Wasatch Literary Association, which from 1876 to 1879, met weekly at the homes of the members and naturally developed, among the other exercises, a good degree of dramatic ability. The original members of the Home Dramatic Club were Heber M. Wells, Orson F. Whitney, Laron A. Cummings, John D. Spencer, Miss Lottie Claridge and Mrs. Cummings (*nee* Dellie Clawson), with H. L. A. Culmer and H. G. Whitney as managers. For their opening piece they chose Lester Wallack's adaptation, of "The Romance of a Poor Young Man," which was presented on the evening of April 1st, 1880, to a well filled house. The wide acquaintance and well known ability of the players, together with the energy of their young managers, had predisposed the public to look at least for a respectable representation; but a general surprise was expressed at the singular excellence of their

first performance. Only a few days before it came off, an old-time player on the Salt Lake stage, taking one of the managers aside; said, with well meaning concern, "Don't you know you young folks have made a great mistake in choosing the 'Romance' for your opening piece? It is one of the most difficult plays outside of Shakspeare. You ought to have taken some easy little piece to begin on." The listener took great care not to repeat what he had heard, but urged the others on to further rehearsals and greater care. The performance was a complete success, was presented again and again to still larger audiences, and the members shared a nice dividend in addition to the glory they had won. The readiness of the citizens to support any respectable company of local players was again shown, proving that the decadence of home drama, to whatever else it might be attributed, was not due to weariness of appreciation on the part of a people who had ever loved the Salt Lake stage from the night when the footlights first blazed there.

From the time this Club first produced the "Romance" until the present, it has continued to be the only dramatic organization of importance to which the city could lay claim. It is true that, its members being engaged in other pursuits, it is a company of amateurs, after all, but the character of its productions have been such as to once more establish the dignity of the stage and prove the dramatic talents that exist among us. It is fitting that the young Whitneys and the young Clawsons took part in this revival, and there is no doubt that their connection with the new Club did much to predispose the public in its favor. It was a wise feature of their policy that they drew to their assistance whatever other young people of the city gave promise of dramatic ability, thus giving opportunities to prove the marked talents of Misses Edith Clawson, Birdie Clawson, Mr. B. S. Young, and not a few others.

So long a time had elapsed between the old time vigor of the Deseret Association and the advent of the Home Dramatic Club, that the methods of the latter, when they once got fairly to work, seemed quite revolutionary. Instead of the heavy dramas and tragedies which afforded the triumphs of early days, they aimed at modern methods. For the fire and passion of the romantic and classical plays, they substituted the polish and *finesse* of emotional dramas and eccentric comedies of the present school. Compared with their own stupendous tragedies of by-gone days, the old-time actors, what few of them remained, failed to see much in these performances, but they were "up to date," and when their drift was learned they became popular. The first attempt of this kind on the part of the Club was the performance of "Ours," a few weeks after their initial appearance, and it is safe to say that the public were more indulgent than amused by it; but the young actors were on the track which has since led them into great public favor and unfailing support. The comparative failure of this comedy frightened them for a time, however, and they returned to more demonstrative pieces, such as "Extremes," "Rosedale," and further repetitions of the "Romance." The following Christmas they presented "Pique" to crowded houses, and on New Year's put on the most successful piece they ever played, "The Banker's Daughter." By this time a new play by the Home Dramatic Club meant an overflowing audience of our best citizens, and, of course, large earnings. The four ren-

ditions of "The Banker's Daughter" drew over $3,500, of which $2,221.72 was profit, and the Club felt that they could well afford to put pieces on in the handsomest manner possible. About this time, the owners of the building made an arrangement with Henry C. Tryon, Esq., a noted scenic artist of Chicago, to entirely refit the Salt Lake Theatre with scenery, and the splendid work he did contributed in no small degree to the brilliancy of their efforts. The Club itself was by no means niggardly, often venturing an outlay approaching a thousand dollars in its preparation for some special entertainment; and when fitting occasion offered itself was free in giving its talents for the relief of charity. Thus, in January, 1881, when an awful snowslide buried the town of Alta, with many of its occupants and drove the homeless survivors to this city, the Club hastily improvised an entertainment and gave the entire profits, over $750.00, to the sufferers. Perhaps it is due to such a policy that in the six years career of the Club it has yet to give a performance on which it has not made a profit. At any rate, its uniform prosperity is an undying testimony to the liberal appreciation of our citizens towards earnest attempts to furnish them with dramatic amusement. The records of the Club show the average nightly receipts to have been $475.17 of which $204.35 has been profit. It is doubtful whether a dramatic organization in any other city of America has had such support extending over so long a period. Their last, and perhaps in most respects their greatest, success was in "Confusion," in which Mr. John D. White shone out as director and manager and played a leading *role*.

In this dramatic revival the building of the Walker Opera House has played a very influential prompting part.

The Walker Opera House was opened on the night of the 5th of June, 1882, with a concert given by the Careless Orchestra. Of the occasion and the house the Salt Lake *Herald*, on the next morning, said:

"This pretty theatre was opened to the public last evening, and attracted an audience of several hundred ladies and gentlemen, the orchestra chairs and parquette circle being fairly filled, and there were many people in the two galléries. Much has been said in the newspapers lately descriptive of the house, its arrangement and finish, hence the company were in a measure acquainted with the place; but the quite general suprise manifested and the pleasure expressed, plainly showed that the people had but a faint conception of the beauty, even elegance, of the handsome interior. The artistically frescoed ceiling, the richly papered walls, the luxurious upholstery, the charming scence on the curtain, the profusion of gold, the richness and completeness everywhere apparent attracted attention and delighted the senses. All is new and bright, and the appropriateness of everything struck everybody as remarkable. Taste and skill have made this a most delightful place for amusement, and the audience appreciated the fact, for they were profuse with praise of the work of the artizan and the artist, and loud in expressions of admiration for the beautiful to be seen on all sides. Some finishing touches are yet lacking, and the furnishings are not yet complete, but their absence detracts little from the appearnce of the charming auditorium.

"Very appropriately the Opera House was inaugurated by a concert given by local talent, and if the entertainment is an indication of what will follow, the

public may expect a series of good things at this new home of the song and the drama. The programme comprised selections by the Careless Orchestra, instrumental solos, songs, etc., under the musical conductorship of Mr. George Careless, and there was nothing done that did not excite enthusiastic applause. We believe everything was encored. The company seemed unable to get enough of the sweet voice of Mrs. Careless, who could only quiet the audience by re-appearing twice and singing a third song. The lady was also the recipient of magnificent bouquets. Mr. R. Gorlinski, who is a well known local favorite, delighted the audience with an aria from 'E Puritani,' and was especially happy in an encore. Mrs. J. Leviberg, as a *debutante*, we believe, so far as relates to Salt Lake, made a highly favorable impression as a vocalist. Those who heard her will hope to often be charmed by her sweet singing. One of the most enjoyable parts of the programme was 'The Night before the Battle,' by the quartette, Misses Olsen and Richards and Messrs. Whitney and Spencer. Altogether the entertainment was artistic and extremely pleasurable, and such as can be often repeated without wearying the public. A concert by the Careless Orchestra will be given at the Opera House this evening.

"The proprietors of the Opera House, and the public are to be congratulated upon the successful opening of this new temple of amusement which is a credit to the owners, the builders and the city."

The concert was repeated on the following evening.

On the 8th of June, the first dramatic performance was given, by one of Haverly's companies, in the play of "My Partner." Louis Aldrich, as Joe Sanders, starred in the play, and George D. Chaplin, who had on several occasions starred at the Salt Lake Theatre, performed the comedy.

The Home Dramatic Club, at a later period, also gave several dramatic performances at the Opera House. Since its opening, a number of the stars of the world, dramatic and operatic, including the great Janauschek have performed at this house.

## CHAPTER LXXXVI.

MUSICAL HISTORY OF OUR CITY. GRAND PERFORMANCE OF THE "MESSIAH." PERSONAL SKETCHES OF THE MUSICAL PROFESSORS.

Musical development is very much the index of civilization, and its variations of quality the signs of national character. Nations highly advanced and refined have fine musical taste, such as the Germans, the Italians and the English. Their educated classes cannot endure crude compositions. Nothing less than exquisite strains of melody, and the grandest harmonies will satisfy the soul attuned to the beautiful and the sublime. On the other hand the Chinese, the American Indians, and the races generally who are crude in their natures, and unprogressive in their national characters have very poor perceptions of sweet melodic strains or harmonic grandeur. Kettle drums, and noisy discordant instruments would afford them more delight than the matchless oratories of Handel and Haydn, or the solemn majesty of the Masses of Mozart.

In the growth of the arts, music springs up among their first outshoots, taking the precedence, in the unfolding of civilization, of every genius but that of poetry—as the second born of the Muses, she starts out with her divine mission. In her first stage she takes the form of simple song. Like as poetry, when far advanced, brings to its aid writing and printing, with their magician-like powers and agencies, so music, in her advancement, arranges her alphabet, notation, and her art becomes elaborated in science. Like also as poetry from the crude body of verse receives a massive and infinitely capacitated transformation into universal literature, so music rises from her primitive form of simple song and clothes herself in grand gigantic harmonies No longer a hymn or a ballad from untutored voices and inartistic votaries, but a volume of Creation from the creator Haydn; from the harmonic Handel, a Messiah, bearing the almighty majesty of his Hallelujah chorus to the Lord God Omnipotent, and from Mozart a consecrated mass to Deity. The genius of music develops capacities and forms for all the expositions of the harmonies of nature and the human soul, and for her interpretation she is no longer dependent on unlearned composers, nor upon uncouth utterance from untutored voices.

The history and schools of music agree with the stages of civilization. In cathedral times we have cathedral music. Their solemn, massive forms and ecclesiastical sublimity resemble the religious service of the age to which they belong. Masses, anthems, and Luther's hymns show their quality. The Oratorio resembles the epic poem translated into another tongue of art, with the same principles, the same style, the same majestic elaboration. It is, however, Hebraic and not Grecian in its spirit, prophetic and not heroic in its themes. As yet the Oratorio is the best form and style that has been given in modern times of music suitable for Temple service. It is more Hebraic in its quality than the masses of the Catholic;

there is in its composition the declamatory moods, and bursts of bold inspiration that so wonderfully characterized the Jewish prophets, while the choruses describe the lofty exultation of the congregations of Israel when they were the people of Jehovah's special care. The mass music of the Catholics is, it is true, very imposing and seductive, but it is burdened with the superstitions of a church rather than with the bold inspirations of Prophets and Psalmists. Even its *Gloria in Excelsis* is more like choruses performed by priests and virgins of heathen temples than the wondrous exultation in music of the vast congregation of the Zion of God. However near they may approximate to it in classical forms and treatment, there are no mass compositions burdened with such pure Hebrew subject, nor breathing so much divine theme as the oratorio of the "Messiah," and no *Gloria in Excelsis* equals the triumphant majesty of Handel's "Hallelujah, for the Lord God Omnipotent reigneth," in which one can imagine when Zion from above comes down to unite in worship with the Zion of all the earth, unnumbered millions of mortals and immortals will take their parts to swell the mighty theme.

This general view of music is pertinent in the history of the people who founded Utah. They were certain, in the early stage of their peculiar civilization, to manifest the genius of music. Being so eminently religious in their tone of character, music would naturally form one part of the basework of their worship; and being also Hebraic in their type and history, the genius of praise was born in them. It is quite natural, therefore, that they should be a congregation of singers. They would love the exercises of singing more than the duty of prayer. Hence we find the Mormons, at home and abroad, always and everywhere singing the "songs of Zion." We meet some very touching musical episodes in the history of their exodus to the Rocky Mountains. Colonel Thomas L. Kane, in his famous historical discourse upon the Mormons, tells the following touching story. He said.

"Well as I knew the peculiar fondness of the Mormons for music, their orchestra in service on this occasion (the departure of the Mormon Battalion from Winter Quarters) astonished me by its numbers and fine drill. The story was that an eloquent Mormon missionary had converted its members in a body at an English town, a stronghold of the sect, and that they took up their trumpets, trombones, drums and hautboys together and followed him to America.

"When the refugees from Nauvoo were hastening to part with their tableware, jewelry, and almost every other fragment of metal wealth they possessed, that was not iron, they had never thought of giving up the instruments of this favorite band. And when the battalion was enlisted, though high inducements were offered some of the performers to accompany it, they all refused. Their fortunes went with the camp of the Tabernacle. They had led the farewell service in the Nauvoo Temple. Their office now was to guide the monster choruses and Sunday hymns; and like the trumpets of silver made of a whole piece, 'for the calling of the assembly, and for the journeying of the camps,' to knoll the people into church. Some of their wind instruments, indeed, were uncommonly full and pure toned, and in that clear dry air could be heard to a great distance. It had the strangest effect in the world, to listen to their sweet music winding over the uninhabited country; something in the style of a Moravian death-tune blown

at day-break, but altogether unique. It might be when you were hunting a ford over the great Platte, the dreariest of all wild rivers, perplexed among the far-reaching sand bars, and curlew shallows of its shifting bed;—the wind rising would bring you the first faint thought of a melody; and as you listened, borne down upon the gust swept past you a cloud of the dry sifted sands, you recognized it—perhaps a home-loved theme of Henry Proch or Mendelssohn, Mendelssohn Bartholdy, away there in the Indian marches!"

In the earliest days of Salt Lake City the Nauvoo Brass Band, under Captain William Pitt, attached to itself the first musical reminiscences of the Mormon people, though it did not reach the professional eminence of that of Captain Ballo's famous band.

Dominico Ballo, an Italian, highly endowed with the musical genius of his race, was, before he came to Utah, band-master at West Point for a number of years. He is said to have been one of the best clarionetists in the United States. He was a fine composer and arranger and a great solo player, having played solos at musical festivals in New York and other Eastern cities. Ballo's band is famous in the musical history of our city. He also trained and organized the Provo band. The old musical amateurs of the city speak of him with reverence. Professor Ballo has been dead over twenty-three years.

After Professor Ballo we come to David O. Calder, the pioneer class teacher of vocal music in Utah.

David O. Calder was born in Thurso, Caithness, Scotland, June 18th, 1823. He moved with his parents to Edinburgh in 1824. His father died in 1839. David was then taken from school and entered in the service of the Union Canal Company as a messenger boy. On the 31st of August, 1840, he joined the Church of Jesus Christ of Latter-day Saints under the administration of Orson Pratt.

When the Hullah classes were organized in Edinburgh in 1842, for instruction in the Wilhem method of singing, Mr. Calder joined one of them; and having prosecuted the studies through the entire course, graduated as a teacher of the system.

In Scotland, Mr. Calder began his mission as a pioneer class teacher to the Saints, thus early aiming for musical education in the Church; and he organized and taught the first choir in the Edinburgh Conference.

Having risen rapidly, step by step, in the outdoor and office departments of the canal company's service he was appointed by the directors of the company to the office of manager of the intermediate stations of the service, between Edinburgh and Glasgow, with headquarters at Falkirk. Shortly after taking up his abode there, in 1846, he called a meeting of the members of the choirs of the several religious denominations and the instrumental performers of the town, at the "Town Hall," and after a few such meetings succeeded in organizing the "Falkirk Musical Association" and obtained the consent of the Earl of Zetland to act as honorary president of the society, and several of the nobility of the country to act as honorary vice-presidents. He was elected manager and secretary of the society. The association went into immediate practice of the oratorio of the "Messiah," and subsequently, with the assistance of professional soloists, gave a

performance which was highly approved by the critics, and largely patronized by the nobility and general public. The "Creation" was afterwards given with like results.

In January, 1851, he left for Utah, accompanied by his mother and her family, in the *George W. Bourne*, which sailed from Liverpool to New Orleans; and after two years' detention in Cincinnati, in consequence of the sickness and death of his elder sister, he arrived here in September, 1853, and settled over Jordan, where he taught a singing school during the fall and winter of 1853-4. In 1855, he entered the service of the Church as a clerk in the President's office, and from 1857 to 1867 was the chief clerk.

In 1861, under the patronage of President Brigham Young, Mr. Calder organized two classes of two hundred members each, and commenced giving vocal instruction in his school room, using the Curwen tonic sol-fa method; which was the first introduction of the system in America. He compiled, arranged and printed the class books used. In December, 1862, he organized and taught two other classes of two hundred each, and the progress made by the pupils in the study of vocal music was a genuine surprise to the public and to local musicians. He organized the "Deseret Musical Association" with over two hundred picked singers from several classes—thus creating the material for the first musical association. The society practiced the higher classes of anthems, choruses and glees, and gave several concerts in the tabernacle and in the theatre with success. With the intention of performing the opera of "La Somnambula," Mr. Calder translated, transposed and printed the choruses of that opera into the Curwen notation. After a number of rehearsals, diphtheria entered his house and carried off five of his children. This sad calamity, with the continuous waiting upon them during their sickness, so impaired his health that he was compelled to discontinue his labors as conductor of the association, and teacher of the several classes under way, which resulted in the disorganization of both the association and the classes.

The next musical personage of local fame is Professor Charles J. Thomas. He belonged to the London profession, and for years was associated with several of the principal orchestras of the metropolitan theatres. In 1862 he came to Salt Lake City, where he was already known by reputation, which the American elders had imparted to President Young and Messrs. Clawson and Caine.

The Salt Lake Theatre being about to open at the time of his arrival in the City, an experienced conductor of a theatrical orchestra was much in demand by the management; and so Professor Thomas stood to the Deseret Dramatic company in orchestral business, as T. A. Lyne did as theatrical master and professional actor to the amateur company. John M. Jones, in the Social Hall had, as the first violin and leader, acquitted himself with honors; but in this new theatre an orchestral conductor from London was more acceptable to an audience who had paid first-class admission price; and the conductor showed to the public that he was experienced in theatrical business, and to the management his general usefulness.

Professor Thomas was also appointed the leader of the Tabernacle Choir, which, until he took its charge, had been under Father James Smithies, as choir master. Indeed the Tabernacle choir had never risen above the musical status of

an ordinary choir of a country church; but under C. J. Thomas it soon became fairly metropolitan, and good anthem music was frequently performed on Sundays to the delight of the congregation, the majority of whom had come from the musical cities of Great Britain, who until Professor Thomas took the leadership had seldom heard in the Salt Lake Tabernacle those fine English anthems with which they were familiar. In fine, the advent of Charles J. Thomas marks an epoch in the musical history of the city; and he gave the first "grand vocal concerts" here, as benefits, and reaped a financial harvest. He long held a ruling musical position.

Professor John Tullidge (the father of Edward and John Tullidge) arrived in Salt Lake City, in September, 1863.

John Tullidge, Sen., was born in Weymouth, Dorsetshire, England, November 5th, 1807. In his childhood he was the musical prodigy of his native town. He sang in a Methodist choir at the age of six, and in his young manhood was ranked as the principal tenor singer of the county. Unsatisfied with local fame he left his native place and went to London, in 1837, to study under the great English masters. There he was engaged as principal tenor, of the famous Evans' Saloon, and while occupying this position he studied harmony and counterpoint under the greatest English master of those times, the world-renowned Hamilton. He next conducted the best glee party out of London, and traveled with them through the musical provinces, taking engagements to sing at the grand *fetes* of the nobility. In the year 1838, or 1839, he and his glee party sang at the Countess of Westmorland's in honor of the visit of the Duchess of Kent and Princess Victoria. Grisi and Mario, the then greatest singers in the world, were the musical stars of the occasion. The Princess Victoria did him the honor to "chat" with him a few moments to express her pleasure over a fine old English madrigal which the glee party had rendered, which charmed the English taste of the royal maiden more than did the classical pieces of the great Italians. Mario, struck with the compass and quality of Tullidge's voice, after the close of their service, asked Mr. T. if he would allow him to test his full voice capacity and execution, which condescension of the great singer was gratefully met. At the close of the trial Mario exclaimed, "My God, I never knew the English had voices till I heard yours;" and adding that his voice was equal to his own, he offered to bring him out in Italian opera. Perhaps Mario, in his condescension and generosity paid the English singer too high a compliment. Mr. T. would fain have accepted the offer of Mario, but he knew not the Italian language and was not fitted for the operatic stage, which requires the actor combined with the star singer.

After singing at the Countess of Westmorland's, before the lady who became Queen of England, in the following year Mr. Tullidge went to the city of York, where he quickly won the position as principal tenor of the York philharmonic concerts, and became one of the four conductors of the York "Harmonicus Society." His name may be found on its roll as John Elliot (Tullidge) his mother's maiden name. Mrs. Sunderland, known as the "Yorkshire queen of song," and later, succeeding Clara Novello as the greatest oratorio singer in England, was at that time the leading soprano of the society, and with her Mr. Tullidge was frequently sent out by the society to fill engagements as the principal singers at the

oratioro concerts of the northern counties of England. It was one of these professional tours that lead him into Wales.

Mr. Tullidge was conductor of St. Mary's Cathedral choir, Newport, South Wales, and was founder of the Newport Harmonic Society, in 1843, the offspring of which, years later, at the Crystal Palace, London, took the laurels from the choral societies of all England.

In 1863, he emigrated to Utah, and in September, 1864, gave his first concert in Salt Lake City, the first part of which consisted of the following selections:

Overture, "Tancred," *Rossini*. Anthem, "Zion's Harp," (Choir). Recitative, "And God Created Man," (Tullidge), *Haydn*. Aria, "In Native Worth," (Tullidge), *Haydn*. Recitative, (basso) "And God Saw Everything," (Tullidge), *Haydn*. Chorus, "Achieved is the Glorious Work," *Haydn*. Orchestra, *C. d' Albert*. Recitative, "In Splendor Bright, (Tullidge), *Haydn*. Grand Chorus, "The Heavens are Telling," *Haydn*.

He composed the Latter-day Saints' Psalmody, a number of whose hymns and anthems are sung at the Tabernacle.

In 1873, he fell down the theatre stairs, as he came from his music room, where he copied and arranged for the orchestra, and was killed in the fall. His anthem, "How Beautiful upon the Mountains," the favorite of the Tabernacle, and the delight of the lamented Mrs. Careless, will perpetuate his name in the musical history of our city.

But the man who has done the most for the musical progress of Salt Lake City, and for the establishment of the legitimate profession, is undoubtedly Mr. George Careless.

George Edward Percy Careless, (known as Professor George Careless) was born in London, Sept. 24th, 1839. Early in youth he showed musical talent, and having become fairly proficient as an amateur, without a teacher, he studied in the Royal Academy, and under the tuition of Alexander Simmons—a pupil of Sainton, and a member of the Queen's private orchestra. In London he played with the great instrumentalists of the day, under the batons of Sir Michael Costa, Sir Jules Benedict, Dr. Arnold, G. W. Martin, Wm. Ganz, Randegger, Barnard and other famous conductors in oratories, operas, concerts, etc., with from thirty-five to four thousand performers, in Exeter Hall, Crystal Palace, Drury Lane Theatre, Italian Church and other places. He left London, for Utah, June 3d, 1864, and arrived in Salt Lake City, November 3rd.

In 1865, Professor Careless took the leadership of the Salt Lake Theatre orchestra, which he held five or six years, during which time he produced a number of musical plays, including "Macbeth," "The Brigands" and "Aladdin." For the latter he composed the entire music, (for over forty numbers), comprising solos, duets, choruses and dramatic music, Professor Tullidge copying the parts. For several years many of the melodies were sung around the streets. He also composed the music for "Cinderella;" and did all the composing and arranging work for the orchestra to the close of his leadership. It was during this engagement he conducted the first opera given in Utah—"The Grand Duchess"—with the Howson troupe, and an act from "Der Freischutz," and several operettas.

He was appointed the conductor of the Tabernacle choir soon after taking the orchestra, and was conductor of this choir over fourteen years, during which period the Tabernacle musical service reached its crowning excellence.

But above the personal efforts of the Professor is the great event of the performance of the "Messiah" in our city in June, 1875. In the musical history of our city it marks an epoch.

Professor Careless was engaged as conductor of the "Handel and Haydn Society," which afterwards changed its name to the "Philharmonic Society," under his conductorship. On the occasion of the performance of the "Messiah" the *Deseret News* said: "Several months ago something over a hundred [over two hundred] ladies and gentlemen, including and comprising the best musical talent, vocal and instrumental, of this city, organized themselves into a society for promoting musical culture and raising the standard of musical taste in this community. This was a most praiseworthy object, for the excellence which a community attains in musical science and art is no mean criterion by which to judge of its local status."

Among the principal vocalists and instrumentalists who distinguished themselves in the delivery of this vast musical epic, were Mrs. Careless, Mrs. Haydon, Mrs. Hamilton, Mrs. Waterbury, Miss Colebrook, Miss Sarah Olsen, Miss Belle Clayton, Mrs. Tester, Mrs. Grow, Mrs. Allen, Miss Haydon, Mrs. Hollister, Mrs. Groo, Miss Nebeker, Mr. Black, Mr. Hollister, Mr. Barnes, Mr. Williams, Mr. Podlech, Mr. Horn, Mr. Griggs, Mr. Foster, Mr. Emery, Mr. Morgan, Mr. Owen, Mr. Sanders, Mr. Schnell, Orson Pratt, A. C. Smyth, J. Broughton, Charles Smyth.

The following invitation was issued to the musical people:

SALT LAKE CITY, January 9th, 1875.

You are respectfully invited to be present at a meeting to be held at the Fourteenth Ward Assembly Rooms on Wednesday evening next, the 12th inst., at 7 o'clock, to take into consideration the desirability of giving a performance in Salt Lake City, of Handel's great oratorio "The Messiah," by the associated musical talent of this city and vicinity, on some date to be hereafter decided upon, said performance to be solely for the furtherance of the divine art, (music) and not for the benefit of any institution or person.

This invitation was signed by the invitation committee, consisting of Mrs. Haydon, Mrs. Careless, Mrs. Hamilton, Messrs. George Careless, Orson Pratt, Jr., and Jos. Broughton.

Of the performance (which was given in the Salt Lake Theatre, with over two hundred performers and a full orchestra) a reviewer in the Salt Lake *Herald* said: "Taking the orchestra as a whole, and laboring under the difficulties already described, from the fact of the impossibility of placing them on the stage, the effect and result was simply a marvel of excellence—especially with the first violins, whose singing tones so nearly approached the vox humana on several occasions, as to defy all recognition of which was the voice and which the violin. Mr. Kennicott's organ accompaniment also for some of the *recitativos* and *arias* was charmingly delicate and yet supporting. Of the solo singers it is difficult to do justice to and not praise in the very highest manner one and all, though we will be pardoned if we make particular mention of Mrs. Haydon, Mrs. Careless, and Miss Haydon among the ladies, and Mr. Williams, Mr. Black and Mr. Hollister among the gentlemen. Mr. Horne also, as well as Mr. Podlech, deserve

great praise for their admirable singing of music which must be doubly trying to them to sing in English. The gems among the solos were "Oh thou that tellest," (by Mrs. Haydon); "Rejoice greatly," (by Miss Haydon); "He was despised," (by Mrs. Haydon); "But thou didst not leave," (by Mrs. Careless); "Why do the nations," (by Mr. Black); "Thou shalt break them," (by Mr. Podlech); but if we must give the palm of excellence to any it must be in all justice to Mrs. Careless for her beautiful rendition of "I know that my Redeemer liveth." Her singing was simply perfection. We have already called attention to the disadvantages under which the solo singers labor, but with all these Mrs. Careless' young, fresh voice seemed to defy all difficulties, coming forth with its rich "tombre timbre" bell-like and sympathetic. If angels had human voices, surely hers would suggest heavenly music indeed. Fine, however, as the solo singing was, we must confess that the choruses were the great achievement of the whole entertainment, and taking into consideration the fact that very few of the singers concerned either sing at sight or are entirely familiar with music, Mr. Careless deserves unqualified praise for the masterly way in which they have been trained. Of the choruses the finest were, "For unto us a Child is Born," "All we like Sheep," the "Hallelujah" chorus, and "Worthy is the Lamb."

It is a great thing to be able to say (as the writer can truthfully) that, taken as a whole, the "Messiah," as performed last night, was far superior—both as regards the solos, choruses and orchestra—than the oratorio given in San Francisco some eight months ago, with Madame Anna Bishop, Mrs. Morrison, and several other vocal celebrities. On that occasion the trumpet obligato was played so badly as to nearly compel Madame Anna Bishop to stop singing. Compare with this the excellence of the cornet obligato in Mr. Black's solo, "The Trumpet shall Sound," by Mr. Croxall, and here is proof of it.

To musical adepts who understand what a worthy execution of a complete oratorical composition means this performance of the "Messiah" in Salt Lake City may fitly be considered as one of the capital events in the musical history of America. There are only a few cities either in England or America, where the "Messiah" can be executed by their local philharmonic societies; and even when given in London itself, the principal vocalists and instrumentalists of all England are sometimes combined to render the oratorio in its full capacity, and that too with a profound realization among the artists that the composition will call into play all the human powers of voice, of soul, of intellect and instrumental execution. And even with such a combination of performers it requires the highest class audience to fully appreciate such music; so that if we can say that Salt Lake City is up to the standard of the "Messiah," (which is too much to affirm in the supreme sense at present) we substantially affirm that Salt Lake City is one of the greatest musical cities in the world. In this view the performance of the "Messiah" in our city in the summer of 1875, by a local philharmonic society under the conductorship of Professor Careless was a prophecy of such a culmination even in his own generation.

In Handel's day London itself was not up to the standard of the "Messiah." London rejected it. Dublin, in the month of April, 1742, had the honor of giving to this immortal work its acceptance.

The "Messiah" is an epic in music. It is the most complete in construction and voluminous in subject of all the oratorios. The reviewer of the *Herald* defined the oratorio "as a kind of a sacred composition either purely dramatic or partaking both of the drama and the epic, in which the text is illustrative of some religious subject." In this definition the critic has confounded the oratorio with dramatic compositions of the class of the Shakspearian plays, which though very high as comparison is not theoretically correct. The oratorio is *always* an epic, never a drama in that sense, though true the epic does compound dramatic elements. The oratorio has the *subject* and *harmonies* of the two worlds combined as the two halves of one whole; just as the epic poem has the *subject* and *action* of the two worlds combined. Take examples. In the "Creation," by Haydn, the *Recitativos* and *Arias* are delivered by the Archangels—Gabriel, Uriel and Raphael. This combination in the epic poem is denominated the celestial machinery. The principal leading subject of Uriel (the tenor) is

"And God created man in His own image; in the image of God created he him, male and female created he them. And he breathed into his nostrils the breath of life and man became a living soul."

And from this grand announcement the Archangel develops his beautiful theme in an *aria*—"Native worth:"

"In native worth and honor clad, with beauty, courage, strength, adorn'd, erect with front serene he stands, a man, a king of nature all."

In Man the mortal half of creation is now brought into the subject, and into its compound harmonies, and in Man the whole mortal world is in conception. The *Recitativo:*

"And God saw ev'rything that He had made, and behold it was very good; and the heavenly choir in song divine, thus closed the sixth day:

"Achieved is the glorious work, etc."

This brings the two worlds—the immortal and the mortal into combination in chorus. Such is the nature of this oratorio—the "Creation."

This is not "text illustrative of some religious subject," any more than it is of "some" profane subject. It is the subject of all mankind and all Deity;—all the Heavens and all the Earth, and if you please, all the hells:

Affrighted fled hell's spirits black in throngs,
Down they sink in deep abyss, to endless night.
Despairing, cursing rage attend their rapid fall.

The "Messiah" is the theme of "Creation" continued in the still grander evolution of the two worlds in combined action; which examples show that the oratorio is not a musical drama, as the opera is, but a musical epic. "Comfort ye, comfort ye, my people, saith your God; speak ye comfortably to Jerusalem," is Jehovah's *recitativo* (now above the archangels), and "Every valley shall be exalted," is Jehovah's *aria*. In the "Hallelujah Chorus" we have the heavens and earth combined in exultant theme. "For the Lord God Omnipotent reigneth; King of Kings and Lord of Lords." "Hallelujah." The chorus of the universe swells the theme.

The "Messiah" properly is an Hebraic subject, but it not having reached its proper resolution in Handel's day, and in Handel's Christian conception, he mixed it with the Christian subject. "Messiah" is transposed to Jesus, and

Handel's critics, being Christians and not Hebrews, accept his resolution. When the pure Hebrew genius comes, however,—the Isaiah of musicians—he will give "Messiah" a new rendering, but some of his themes in strict accord with Handel's settings of the poet Isaiah, yet even in these with some new musical workings. "Comfort ye My People" will be retained in substance as the opening of the theme; so will the "Hallelujah Chorus;" while the Christian mixing will be expunged. The "Trumpet shall sound and the dead shall be raised," etc., is Paul, not "Messiah." Ezekiel in his vision of the "dry bones" of the whole house of Israel has the subject: "Come from the four winds O breath, and breathe upon these slain that they may live;" and "My servant David shall be prince over them, and Messiah King of Kings." "Worthy the Lamb" is Christian, not of Hebrew genius. But Daniel's vision of Messiah's Kingdom is, and then the "Hallelujah Chorus:" "For the Lord God Omnipetent reigneth: King of Kings and Lord of Lords."

Now the great and relative significance of the performance of the oratorio of the "Messiah" in Salt Lake City is, that it marks the beginning of the musical culture in their supreme line of a people with the genius and subject of the "Messiah" actually embodied in their whole history, running now through a fifty-six years' period. The Mormon Temple, if it survive, will as certainly bring the oratorio into its service as that its dispensation has brought in the "gathering" of a modern "Israel from all nations." The work of a George Careless and others like him, then, has only just begun. The very prophecies, in the history of the past of this peculiar community, proclaim with trumpet tongue that Salt Lake City in the coming time will be the city of America pre-eminent in the oratorio performances. The gentile artists as well as well as the "musicians of Israel" will help to accomplish this grand musical result, for art is not sectarian, but universalian.

Apropos of this latter remark may be noted particularly the fact that Professor Careless succeeded in combining the principal singers and instrumentalists in a "Handel and Haydn Society," for the performance of the "Messiah," without the thought even occurring to the artists whether their fellows were Mormons or Gentiles. This of itself was a great musical triumph; and the fact that the "Messiah" was performed in Salt Lake City in 1875, in a style as it never was in any city west of Chicago, is most worthy of a page in our local history; and, as we pass on to the biography of Salt Lake musicians, the historian may be allowed the personal expression of a hope that Salt Lake City may witness many repetitions of the example and many such triumphs in musical art.

Of Professor Careless' engagements as a conductor, it may be noted that he conducted the celebrated Parepa Rosa concerts, in November, 1868; also the Madame Anna Bishop concert in the large Tabernacle, and the grand Wilhemj concert in the Theatre, March 6th, 1880. Our talented citizen received the highest praise from the great virtuoso and many marks of his esteem. Since his presentation of the "Messiah," in 1875, he has given the 46th psalm; beautiful cantata "Daughter of Jairus;" made a brilliant success in April, 1879, with Sir Arthur Sullivan's opera, "Pinafore" and in November, 1885, Gilbert and Sulli-

van's latest and most difficult opera, the "Mikado;" these compositions were rendered by home talent.

In March, 1879, he organized the "Careless Orchestra, which gave a number of a orchestral concerts; and in 1885, he succeeded in organizing the largest local orchestra ever brought together in this city, consisting of forty-five members.

Of the musical business, of which he and D. O. Calder were the pioneers, it may be noted that these two gentlemen formed a co-partnership about 1873, which continued seven years, during which period the firm published the *Salt Lake Musical Times*, the first musical publication in the Rocky Mountains, though to the *Utah Magazine* belongs the honor of importing the first musical type, and publishing the first musical sheets under the editorship of Professor John Tullidge. In fine in Professor Careless' career in Salt Lake City may be traced the principal germinations of the musical development of our city, which is said without detraction from the diligent art labors and excellent public performances of musicians of a later date.

To Lavinia Careless, the lamented wife of Professor George Careless, belongs, by the sacred claims of her rare genius, a high niche of fame among our musical stars. Indeed, she is worthy of more than local fame. She possessed one of the best English voices of her generation; and had she traveled as a star she would undoubtedly have won a world-wide name, for not only was her voice of the purest quality, but her singing was burdened with soul and her exquisite delivery intense with feeling, which, in oratorio, rose to the exalted pitch of epic song. She died in Salt Lake City July 16th, 1885. The following brief, but well told story of her life and genius we clip from the Salt Lake *Herald* of August 2d, 1885:

"It is curious to reflect that the songstress whose death has occasioned so profound an impression in our musical circles might have gone to her grave lamented as Tietjens or Parepa was lamented, and with all the honors and tributes which an admiring world paid to those artists, but for the one circumstance that she preferred a domestic career to an artistic one, and chose rather to exercise her genius for the delight of her friends than to shine as a prima donna in the world's great coterie of lyric stars. It did not need the assurance of Carl Rosa, of Madame Bishop, or of the many other distinguished singers, musicians and impressarii who heard Mrs. Careless' voice, to acquaint her with the fact that a brilliant career lay open before her, if she but chose to enter upon it. All who ever listened to the noble melody of her voice knew that she had received from nature one of those gifts which are conferred but a few times throughout the course of centuries; when a girl she sang her first simple melody in a small English choir, her voice was already such as many an artist who had spent years with singing masters might vainly envy; what it might have been with the care bestowed upon that of a Parepa or a Patti, we can only conjecture—it would be hard to realize.

"Mrs. Careless would have been thirty-nine years of age next December; her father, George Triplett, was always musically inclined, and his daughter commenced singing in London when she was eleven years old; at fifteen, her voice had developed into a full, resonant soprano, and she sang for a long time in the London Conference choir as leader of the trebles; Professor Careless was then

director of that body, and he often instructed her in particular pieces, little thinking by what an near tie they would one day be united. They met in Utah some years later, and were married in 1865. Mrs. Careless' improvement from that time was marked and rapid, and under the excellent instruction of her husband, she acquired a further knowledge of music and kept up a systematic course of practice which greatly benefitted her. The fourteen years which she led the treble in the Tabernacle Choir, while her husband was leader, is a period in the history of local music of which the lovers of the art will not need to be reminded. Hers was one of the few voices which did not appear lost in the vast echoes of that building. Of all her sacred selections, perhaps the solo in Tullidge's beautiful anthem, 'How Beautiful Upon the Mountains,' will live longest in the memory of her admirers; of the great variety of songs we have heard her render in concert, we think that she gave none more exquisitely than the glorious composition, 'O, Loving Heart, Trust On.' Her voice was very much of the same quality as that of Parepa, and her upper limit was E flat, the same as that distinguished singer. Her higher notes were her best, but her voice was of extreme purity throughout the whole register.

"Mrs. Careless will long be remembered and mourned as distinctly the first and foremost of all Utah's singers. She leaves a daughter of twelve, of whom it is not too early to say that she bears promise of possessing to a marked extent the musical gifts of both her parents. Mr. Careless, who occupies to orchestral music in Utah the same position which his wife held to vocal, sustains his bereavement with becoming philosophy and fortitude. In the education and care of his daughter he will find ample means for occupying his thoughts, and his friends all trust that the great healer Time, with the tender hand of Him 'who wipes the tear from every eye,' may yet bring to him peace of soul and resignation of mind."

She was singing twenty-five years; was first taught in London by Mr. Careless when she was a child eleven years of age. Her voice was as fresh when she died as ever.

Professor Careless having resigned the conductorship of the Salt Lake Philharmonic Society, letters were written by Mrs. Dr. Hamilton, in behalf of the society, to Mr. Tourjee of the New England Conservatory, at Boston, for him to select a competent conductor; on this application to the Conservatory, Professor T. Radcliffe came to Salt Lake City and took the vacant position; and a year later after much practice, the society, under his directorship, gave the oratorio of the "Creation," in the Salt Lake Theatre. The concert was a musical success but not a financial one. Professor Radcliffe soon resigned the conductorship of the society to devote himself to teaching the piano, since which his courses of teaching have produced some very efficient pupils from the best families in Utah. This gentleman is acknowledged to be a great organist and he has recently attracted much interest to himself by private recitals on the Tabernacle organ. In a late issue the *Deseret News* said:

"A number of persons had the pleasure of listening to Mr. Radcliffe—one of the best organists in the country—perform on the Tabernacle organ last evening, and all were enthusiastic in their praise of both the organ and performer."

Mr. Radcliffe graduated among the great English organists, as the following testimonials will show, the first being from the celebrated W. T. Best:

"I consider Mr. T. Radcliffe a very able organist and perfectly qualified to undertake the duties of any church appointment.

"W. T. BEST.

"St. George's Hall, Liverpool, December 27th, 1866"

"I have much pleasure in bearing my testimony to the merits of Mr. T. Radcliffe as a solo organist and accompanist. The organs at this institution have been performed upon by the first organists in this Kingdom, including Messrs. Hopkins, Chipp, Adams, H. Smart, Best and Dr. Wesley, but without depreciating their abilities, I am bound to say, from the opportunities I have had of listening to Mr. Radcliffe's accompaniments to the oratorios of the 'Messiah' and the 'Creation' that I have not heard accompaniments to sacred music, for *solo* or *chorus*, more effectively given than by him, and I have also reason to know that this is also the opinion of that eminent vocalist, Mrs. Sunderland. As a solo performer Mr. Radcliffe is one of the most rising men of the day, and if he continues to devote to his noble instrument the same untiring energy which he has displayed, he cannot fail to place himself in the most distinguished position in his profession. I have the honor to be, gentlemen,

"Yours very respectfully,

"S. GREGORY JONES,

"December 27th, 1866." "*Secretary of the Liverpool College.*

The work on construction of the Tabernacle organ was commenced in 1866, by Mr. Joseph Ridges, to whose skill and design the outward case and much of the interior work is accredited.

The musical and mechanical work was left by him in an unfinished state seven years ago, and the instrument was subsequently injured by incompetent tuners being employed. The work of completing the instrument was assigned to Mr. N. Johnson about two years since, who has, up to the present, devoted most of his time to the work.

Organ-building has made immense progress during the last few years, and Mr. Johnson has introduced many of the best modern improvements.

The interior of the organ is so arranged that all parts of the mechanism are easy of access.

The pneumatic lever is applied to the great organ and its couplers rendering the touch—even with all the couplers on—as light as that of a piano.

Another improvement is the putting in of a solo organ with six stops. This, together with the addition of other stops to the great, swell, choir, and pedal organs makes an addition of about 1,300 new pipes.

The organ has now four manuels and a pedal, the number of stops being 57. The total number of pipes is 2,648.

The wind is supplied to the organ by three large bellows, which are operated by two hydraulic motors.

The instrument has been almost entirely reconstructed in its interior parts;

and in its now completed form, it is justly an object of pride to our city, and is one of the chief objects of the visiting tourist.

Mr. Joseph J. Daynes is the organist of the Tabernacle. His father was an amateur musician and a bass singer in an English glee club, whose rehearsals at his house were partly the means of developing the musical talent of his gifted son, who was esteemed as a prodigy by the musical friends of the elder Daynes.

Soon after arriving in Utah, in 1862, the lad and his father were invited to the residence of President Young. After hearing him play, the President advised Mr. Daynes to put him under the tuition of Professor Raymond. The father took his prodigy to the professor, who asked to be shown some of the music the lad had been playing, that he might be able to tell where to begin the lesson; on seeing which, Professor Raymond remarked that he had better take lessons of the lad instead.

In the spring of 1867, when only just fifteen years of age, Mr. Daynes was appointed the organist of the Tabernacle, which position he has held ever since. In the fall of 1879 he went to New York to study the church organ and piano; and, before leaving for home, he played on the church organ at Chickering Hall, at a very fashionable concert of Mr. G. W. Morgan, was applauded and encored, and was afterwards noticed in the *Art Journal*.

We have no doubt that, had Mr. Joseph J. Daynes lived in New York or Boston, with the opportunity of appearing often before large musical audiences, winning frequent applause, so necessary to stimulate the artist's nature and ambition, he would be widely known as one of the great organists of the day.

Orson Pratt, Jr., ranks, in the estimation of all the musicians of the city, as an excellent teacher of the piano and organ. In painstaking with his pupils he has no equal among the Salt Lake profession. As a theorist, he is one of the best on the Pacific Coast. He is as familiar with the great works of Albrechtsberger, Cherubini, and Dr. Marx as a scholar with his alphabet. Indeed, as a teacher of harmony and counterpoint there will be found in all America but few so able and efficient as Orson Pratt.

Professor H. S. Krouse was born in the city of New York, March 22d, 1853. He began the study of music at the age of nine, and received instructions from Herr Von Arx in theory and piano. After several years' study he changed to S. B. Mills and played piano for the Italian opera chorus under Carl Auschutz. In 1867 he went to the Leipsic school of music, where he studied with Moschelles, Reinecke, and Wenzel. After a course of several years' study he went to Paris and studied piano with Mathias. He received a diploma after one year's study there and returned to New York and joined the Clara Louise Kellogg company, traveling through all the principal cities of the United States, and then joined the Adelaide Phillips Concert Company, making the same circuit, including the principal places of South America and Central America. He returned to New York and then accepted an engagement in San Francisco with Ilma de Murska and Camillo Urso, and also taught at Madam Sitkas, and gave private instruction on piano. A few years afterward he accepted the position as chorus master with Chas. E. Locke, of Melville Opera Company and was afterwards conductor.

Mr. Krouse came to Salt Lake City in March, 1881, and was warmly welcomed to the professional musical *corps* by the late David O. Calder, who constantly spoke of him as a very efficient and thorough musician, whose musical service in our city was greatly needed. Though a foreign artist, his talents and efforts coupled with a five years' residence entitles him to be considered among our principal local professors of music. He is a musical enthusiast, which type of nature is so eminently required in a matter of this most exquisite art whose culture is above all other branches of art; for while in poetry and general literature a man may bound at once into fame as an author, in music it takes years of training to make a fine executant, whether of the voice or the instrument, and three times seven years apprenticeship to perfect a master of theory.

Mr. Krouse has worked hard to cultivate the musical taste of our city, and the courses of his training are mentioned as an example of his fitness. He is at present engaged in teaching piano, thorough bass and harmony, and has many proficient pupils.

He recently produced with local talent, Sir Arthur Sullivan's very popular and highly artistic opera "Iolanthe," adding much to the fame of himself as a musical conductor and manager thereby.

Mr. B. B. Young, professor of singing, was born in Salt Lake City, April 23, 1856. He is the youngest son of President Joseph Young and Jane Bicknell. His talent for music is inherited both from his father's and mother's families.

Mr. Young's first lessons in music were received from Professor George Careless. He also studied the piano with Professor Orson Pratt, Jun. In May, 1879, he went to London to study music in general and especially the art of singing, taking with him letters of introduction to a great London musical publisher. He entered the national training school for music, of which Sir Arthur Sullivan was principal. Signor Albert Visette, principal professor of singing, examined him and gave the opinion that he would make a fine artist.

Mr. Young was admitted in the school as a paying pupil; and by merit in the second year obtained a free sholarship, which was renewed in the third year, lasting till the close of the school in 1882, when he was appointed professor of singing at the Watford school of music. He now began to receive engagements for concerts, and sang before the Prince of Wales at the Duke of Edinburgh's concerts. Last year he sang at the Crystal Palace concerts and at other noted places; and at the production of Wagner's "Parcifol" in London, in November, 1884, he was selected to sing one of the baritone parts, in the execution of which he won from the professors especial praise for his voice, pronounciation and phrasing, it being sung in German. His singing has mostly been confined to the concert platform, but last winter he sang with the English opera company with marked success.

Since Mr. Young's return to his native city he and Madame Young have given concerts in which he has been favorably received by the Salt Lake public as a professional vocalist. He is only twenty-nine years of age and will doubtless yet be known on the lyric stage.

Madame Mazzucato Young was born in Milan, Italy, in 1846. Her mother was Donna Teresa Bolza, daughter of Count Bolza. Her father was the Chev-

alier Alberto Mazzucato, whose name became celebrated throughout Europe as a musician and as a teacher of music; and by his compositions and his essays on the esthetics of music. Among his pupils as vocalists may be chiefly mentioned Mr. Sims Reeves, and among those as composers Signor Boito. He was professor at the Milan Conservatory of music forty years and finally become director of that famous institution, a position he held at the time of his death.

Mme. Young began the study of music under her father when she was eight years old; but her father being constantly engaged with his appointment at the *conservatoire* and at the theatre of La Scala (where he was musical director for about eighteen years), and with his writings, he was not able to give her regular lessons. He would, however, provide her with heaps of music to read, encouraging her constantly and giving her invaluable advice every day.

At the age of fourteen she began to play operatic accompaniments for her father's pupils. At about that time her mother died and her father began to take her to almost all the rehearsals (which he conducted) and to the performances at the Scala, then the leading opera house of Europe, so that she had opportunities of hearing repeatedly the best operas as sung by the greatest singers.

She soon began also to attend classical concerts, and these became her chief pleasure.

She studied singing (always under her father's direction) not for the purpose of appearing in public, but so as to know the art thoroughly and become an earnest teacher. After her father's death most of his pupils asked her to continue their lessons, but she soon left Milan with her brother to settle in London, where before a year was over she was appointed professor of singing at the National Training School of music, which position she held till he close of the school in 1882. The next year the Royal College of music was inaugurated by the Prince of Wales, when she was again appointed professor of singing, with such associates as Signor Visetti, Mr. Deugon and Madame Jenny Lind. Mme. Young met Mr. B. B. Young in London in 1880; was married to him three years afterward, and came to Salt Lake City with her husband in January, 1885.

Evan Stephens, under the patronage of the Church, has wrought a general movement in class teaching of Sunday schools in several principal counties, as well as in this City, resulting in repeated concerts at the Tabernacle. In this movement he found an earnest, influential patron in George Goddard, general assistant superintendent of Sunday schools. Crowned with success in this juvenile mission, Mr. Stephens recently left for training and study in the New England Conservatory of Music, in Boston, and it may be reasonably expected that when he shall return with his diploma of professor, which his talent and perseverance will doubtless earn, he will engage in class teaching of a higher grade, passing the practical work of the Sunday schools over to assistants, should he still hold their general musical superintendence. Evan Stephens is the only man who has had the opportunity of taking up the movement laid down by Mr. Calder, and this he has done so far as Sunday schools are concerned, and that, too, with the old notation and a system of his own for class teaching. He has been pushed forward and fairly supported by a similar patronage to that which made David O. Calder potent, and he has the extra advantage of being a practical musician and

composer, of considerable native genius, and after professional study and training in the colleges East, he may be expected to return a finished master. And should Evan Stephens on his return undertake the accomplishment of that which David O. Calder undertook in 1861, there will be in Utah, in the Mormon Church, before another decade has passed, a vast improvement in the musical status of the people.

A. C. Smyth is one of the elder members of the Salt Lake profession; and, though unassuming and modest to a fault, he is generally esteemed a sound musician, both in theory and practice. Mr. Smyth received his early training at Manchester Cathedral, and it is said that he could read music before his alphabet. The gentleman has made some very fine singers from the local talent of Salt Lake, and is highly respected as a leader and choir instructor. Some few years ago he trained a company of children so well that they played with immense success the operas of "H. M. S. Pinafore," "Grand Duchess," and the "Pirates of Penzance." He is equally at home in musical composition, both sacred and secular, and has taken several first class prizes, at home and abroad.

Willard Erastus Weihe, the present leader of the Salt Lake Theatre orchestra, was born in Christiana, Norway, in the year 1856. He began the study of the violin at a very early age, receiving instruction from some of the best masters of that instrument in that country. When only ten years of age he played for the world-renowned Ole Bull, who was so delighted with his performance that he offered to take him to Paris and have him educated at the Musical Conservatory, free of expense to his parents, but they rejected the kind offer because of his youth. In 1871 he emigrated to Salt Lake City, and being introduced to the the public by Clawson and Caine as a *protege* of Ole Bull, though so young he quickly became locally famous as a solo violinist. In December, 1877, he went to the Conservatory at Brussels. He at once passed a successful examination, which admitted him to the very highest class, where he had the celebrated violinist, H. Vieuxtemps, for a tutor. This master soon became so interested in him that he gave him private lessons free of charge. He studied one year at the Conservatory at Brussels, and returned to Salt Lake City in May, 1879. After his return he appeared at the jubilee concert given in the Tabernacle, and he has appeared in all the principal concerts up to the present time. In 1885, he took the position of conductor of the Salt Lake theatre orchestra, which enjoys at present a first-class reputation.

W. C. Clive is the first violin. He is the son of Claude Clive, of old-time theatrical memory. His lamented sister, Little Miss Clive, will be remembered by the public as their favorite dancer.

Mr. Anton Pederson, the talented conductor of the Walker Opera House Orchestra, is a native of Norway, and though young, he has won considerable local fame. He commenced the study of the violin and piano when quite young and made very rapid progress. Later on he studied the organ under one of Germany's great masters. Mr. Pederson came to this country about ten years ago, and established himself at once as a teacher of violin, piano, organ and brass instruments. As a composer he ranks high, and possesses much ability and knowl-

edge of the requirements of orchestral and local music. Magnus Olsen is the first violin of this orchestra, and George Hedger, the flutist, is an instrumentalist of considerable local fame.

The foregoing embodies a tolerably complete history of the rise and progress of music in Salt Lake City, with sufficient biographical notes of the professors whose lives have been compounded in that history and who have given it caste and the present musical status of the City as illustrated in the profession of both the vocal and instrumental branches of the art.

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## CHAPTER LXXXVII.

LITERATURE AND THE FINE ARTS. UTAH AUTHORS AND POETS. SPECIMENS. SALT LAKE PAINTERS. OUR YOUNG SCULPTORS. ART DESCRIPTION:—"OUR DESOLATE SHORES."

In treating of literature and the poets of Utah, the reviewer must chiefly present the works and authors of Mormon origin; for though there are classic Gentile pens among us, their scintillations belong to general literature rather than to local authorship and local art.

The first name which presents itself is that of Parley P. Pratt, the Isaiah of the Mormon people and one of the founders of Salt Lake City. He was endowed pre-eminently with that quality of poetic genius typically classified as the Hebraic genius; and though its exaltation in his nature and works may be somewhat ascribed to his apostolic endowment and ministry, yet was it derived from an organic quality and instinct. His little book entitled the "Voice of Warning," not only dealt with the lofty subjects and themes of the ancient Hebrew prophets, but the poetic fire and treatment were closely akin to those subjects and themes of which he wrote. It is a prose Hebrew poem adapted to the "Latter-day Dispensation," rather than a mere theological treatise; and so great was its charm over kindred minds that its reading and study brought into the Mormon Church thousands of converts. Perhaps there never was a book published in the English language excepting the Hebrew Bible and the New Testament, of which so much can be said, not even of John Bunyan's Pilgrim's Progress, which has been a sort of a sacred novel for the reading of pious folks; but Parley P. Pratt's "Voice of Warning" was as a veritable Testament of a new dispensation, converting thousands of souls, and infusing new thoughts and inspirations into the minds of its readers.

A book of such a character and with such a history must be pronounced a wonderful book; and the less that is ascribed to its subject of these well-known results of the book, the more must be ascribed to the book itself, and to the author's rare genius in a certain line of poetic composition.

Another feature of this prose poem of Parley P. Pratt's on the Hebrew prophets is that the book is a specimen of almost pure Saxon, and this merit of his compositions was not from poverty of words, or his illiteracy, but from choice and real art appreciation, for Parley P. Pratt was profuse in language and a natural orator, as well as poet, from whose tongue inspired thoughts and rich fancies took a world of forms.

An elaborate review of Parley P. Pratt's works—"Voice of Warning" and "Key to Theology" is not necessary in a general chapter on Utah literature. To those works themselves the reader is referred; but to his Autobiography must be given enough pages for its examples, introduced with a brief exposition of the species of authorship to which Parley P. Pratt's Autobiography belongs.

Biographies and autobiographies, when they are worthy in subject and excellent in authorship, are ranked among the first class works of a nation's literature. They are, however, of a class which, unless the personal subject be one of great dignity and reputation, and the work wrought by a master hand, produces more disgust in the public mind than any other species of writings. The most famous example of the biographical species, ready to the memory of the English or American reader, is "Boswell's Life of Johnson." Dr. Samuel Johnson was as the thundering Jove of his club, and in his presence seated a galaxy—such personages as Edmund Burke, statesman and Parliamentary orator; Gibbon the historian; Goldsmith the matchless poet of his day; Sir Joshua Reynolds, the great English painter; Garrick, the actor; Sheridan, the statesman and "wit," and Boswell the note-taker of the club, endowed by Nature with a sort of classical sycophancy which produced a graphic book of the personages who created the English literature of his times. Bourrienne's Memoirs of Napoleon Bonaparte is a similar book. It is rarely that such books can be written, worthy of rank as standard works.

The autobiography is still a more difficult composition and even more liable to provoke public contempt rather than public admiration; for this species of authorship requires not only a worthy subject, but the author himself must be nearly equal to it in his own personal character and life,—that is to say, his book must have a principal subject *superior to himself*, notwithstanding it is an autobiography, yet himself scarcely inferior to it, while the execution of his work must show the noble simplicity of a great mind. The autobiography of Parley P. Pratt is of such a character. In this sense of authorship it is the best and highest class work produced by any of the authors of the Mormon people.

In the opening of his manhood, reverses befall him, but they are as the ways of Providence, leading on to the mission of his apostolic career. In his narrative he says:

"Time passed; harvest came; a fine crop, but no market; and consequently the payment came due on our land and there was no means of payment.

"The winter rolled round; spring came again; and with it a prosecution on the part of Mr. Morgan for money due on land.

"The consequence was that all our hard earnings, and all our improvements in the wilderness, were wrested from us in a moment. Mr. Morgan retained the land, the improvements and the money paid.

"Weary and disconsolate, I left the country and my father, who took charge of our crops and all unsettled business.

"I spent a few months with my uncles, Ira and Allen Pratt, in Wayne county, N. Y., and in the autumn of 1826 I resolved to bid farewell to the civilized world—where I had met with little else but disappointment, sorrow and unrewarded toil; and where sectarian divisions disgusted and ignorance perplexed me—and to spend the remainder of my days in the solitudes of the great West, among the natives of the forest.

"There, at least, thought I, there will be no buying and selling of lands,—no law to sweep all the hard earnings of years to pay a small debt,—no wranglings about sects, and creeds, and doctrines. I will win the confidence of the red man: I will learn his language; I will tell him of Jesus; I will read to him the Scriptures; I will teach him the arts of peace; to hate war, to love his neighbor, to fear and love God, and to cultivate the earth. Such were my resolutions.

"In October, 1826, I took leave of my friends and started westward. I paid most of my money in Rochester for a small pocket Bible, and continued my journey as far as Buffalo. At this place I engaged a passage for Detroit, on board a steamer; as I had no money, I agreed to work for the same.

"After a rough passage and many delays, I was at length driven by stress of weather to land at Erie, in Pennsylvania; from whence I traveled by land till I came to a small settlement about thirty miles west of Cleveland, in the State of Ohio. The rainy season of November had now set in; the country was covered with a dense forest, with here and there a small opening made by the settlers, and the surface of the earth one vast scene of mud and mire; so that traveling was now very difficult, if not impracticable.

Alone in a land of strangers, without home or money, and not yet twenty years of age, I became discouraged, and concluded to stop for the winter; I procured a gun from one of the neighbors; worked and earned an axe, some breadstuff and other little extras and retired two miles into a dense forest and prepared a small hut, or cabin, for the winter. Some leaves and straw in my cabin served for my lodging, and a good fire kept me warm. A stream near my door quenched my thirst; and fat venison, with a little bread from the settlements, sustained me for food. The storms of winter raged around me; the wind shook the forest, the wolf howled in the distance, and the owl chimed in harshly to complete the doleful music which seemed to soothe me, or bid me welcome to this holy retreat. But in my little cabin the fire blazed pleasantly, and the Holy Scriptures and a few other books occupied my hours of solitude. Among the few books in my cabin were McKenzie's Travels in the Northwest, and Lewis and Clark's Tour up the Missouri and down the Columbia Rivers.

Spring came on again; the woods were pleasant, the flowers bloomed in their richest variety, the birds sang pleasantly in the groves; and, strange to say, my mind had become attached to my new abode. I again bargained for a piece of forest land; again promised to pay in a few years, and again commenced to clear a farm and build a house.

"I was now twenty years of age. I resolved to make some improvements and preparations, and then return to my native country, from which I had been

absent several years. There was one there whom my heart had long loved, and from whom I would not have been so long separated, except by misfortune.

"It was the Fourth of July, 1827. The morning was beautiful and gay, the sun rose without a cloud over the pine-clad hills of my native land, where in boyhood I had often toiled and sported, just as I came within a mile of the farm of my good old aunt Van Cott, of Canaan, Columbia County, after an absence of three years. I had, during this time, exchanged the features of the bashful boy for those of the man; and, instead of a laughing careless countenance, a forehead of marble and a cheek of rose, stern care had marked me as her child, and the sun had given a shade of brown to my features; these added to a heavy growth of beard and whiskers, disguised me so far that I could pass through the neighborhood of people, known and familiar to me, unnoticed and unknown.

"With a quick step, a beating heart, and an intense, indescribable feeling of joy, sorrow, hope, despondency and happiness, I approached the door of Mr. Halsey, and knocked; it was opened by an aged female, a stranger to me; I entered, and inquired for Miss Thankful Halsey—in a moment more she had me by the hand, with a look of welcome which showed she had not forgotten me.

"I spent the day and evening with her; explained to her all my losses, my poverty and prospects, and the lone retreat where I had spent the previous winter; and the preparations I had made for a future home. I also opened my religious views to her, and my desire, which I sometimes had, to try and teach the red man.

"'In view of these things,' said I to her, 'If you still love me and desire to share my fortune you are worthy to be my wife. If not, we will agree to be friends forever; but part to meet no more in time.' 'I have loved you during three years' absence,' said she, 'and I never can be happy without you.'

"Eighteen months," he wrote, "had passed since our settlement in the wilderness. The forest had been displaced by the labors of the first settlers for some distance around our cottage. A small frame house was now our dwelling, a garden and a beautiful meadow were seen in front, flowers in rich profusion were clustering about our door and windows; while in the background were seen a thriving young orchard of apple and peach trees, and fields of grain extending in the distance, beyond which the forest still stood up in its own primeval grandeur, as a wall to bound the vision and guard the lovely scene. Other houses and farms were also in view, and some twenty children were returning from the school actually kept by my wife, upon the very spot where two years before I had lived for months without seeing a human being. About this time one Mr. Sidney Rigdon came into the neighborhood as a preacher, and it was rumored that he was a kind of Reformed Baptist, who, with Mr. Alexander Campbell, of Virginia, a Mr. Scott, and some other gifted men, had dissented from the regular Baptists, from whom they differed much in doctrine. At length I went to hear him, and what was my astonishment when I found he preached faith in Jesus Christ, repentance towards God, and baptism for remission of sins, with the promise of the gift of the Holy Ghost to all who would come forward, with all their hearts, and obey this doctrine!

"Here was the *ancient gospel* in due form. Here were the very principles

which I had discovered years before; but could find no one to minister in. But still one great link was wanting to complete the chain of the ancient order of things; and that was, the *authority* to minister in holy things—the apostleship, the power which should accompany the form. This thought occurred to me as soon as I heard Mr. Rigdon make proclamation of the gospel.

"Peter proclaimed this gospel and baptised for remission of sins, and promised the gift of the Holy Ghost, because he was commissioned so to do by a crucified and risen Savior. But who is Mr. Rigdon? Who is Mr. Campbell? Who commissioned them? Who baptised them for remission of sins? Who ordained them to stand up as Peter? Of course they were baptized by the Baptists, and ordained by them, and yet they had now left them because they did not administer the true gospel. And it was plain that the Baptists could not claim the apostolic office by succession, in a regular, unbroken chain from the Apostles of old, preserving the gospel in its purity, and the ordinances unchanged, from the very fact that they were now living in the perversion of some, and the entire neglect of others of these ordinances; this being the very ground of difference between the old Baptists and these reformers.

"Again, these reformers claimed no new commission by revelation, or vision from the Lord, while they had not the least shadow of claim by succession.

"It might be said, then, with propriety: 'Peter I know, and Paul I know, but who are ye?' However, we were thankful for even the forms of truth, as none could claim the power, and authority, and gifts of the Holy Ghost—at least so far as we knew.

"After hearing Mr. Rigdon several times, I came out, with a number of others, and embraced the truths which he taught. We were organized into a society, and frequently met for public worship.

"About this time I took it upon me to impart to my neighbors, from time to time, both in public and in private, the light I had received from the Scriptures concerning the gospel, and also concerning the fulfillment of the things spoken by the holy prophets. I did not claim any authority as a minister; I felt the lack in this respect; but I felt in duty bound to enlighten mankind, so far as God had enlightened me.

"At the commencement of 1830, I felt drawn out in an extraordinary manner to search the prophets, and to pray for an understanding of the same. My prayers were soon answered, even beyond my expectations; the prophecies of the holy prophets were opened to my view; I began to understand the things which were coming on the earth—the restoration of Israel, the coming of the Messiah, and the glory that should follow. I was so astonished at the darkness of myself and mankind on these subjects that I could exclaim with the prophet: surely, "*darkness covers the earth and gross darkness the people.*"

"I was all swallowed up in these things. I felt constrained to devote my time in enlightening my fellow men on these important truths, and in warning them to prepare for the coming of the Lord. * * *

"In August, 1830, I had closed my business, completed my arrangements, and we bid adieu to our wilderness home and never saw it afterwards. On settling up, at a great sacrifice of property, we had about ten dollars left in cash. With this

small sum we launched forth into the wide world, determining first to visit our native place on our mission, and then such other places as I might be led to by the Holy Spirit.

"We made our way to Cleveland, thirty miles. We then took passage on a schooner for Buffalo, a distance of two hundred miles. We had a fair wind, and the captain, being short of hands, gave me the helm, the sails being all set, and turned in. I steered the vessel most of the day, with no other person on deck. Of course, our passage cost us little besides my labor. Landing in Buffalo, we engaged our passage for Albany on a canal boat, distance, three hundred and sixty miles. This, including board, cost all our money and some articles of clothing.

"Arriving at Rochester I informed my wife that, notwithstanding our passage being paid through the whole distance, yet I must leave the boat and her to pursue her passage to our friends, while I would stop awhile in this region. Why, I did not know; but so it was plainly manifest by the Spirit to me. I said to her, 'we part for a season; go and visit our friends in our native place; I will come soon, but how soon I know not; for I have a work to do in this region of country, and what it is, or how long it will take to perform it, I know not; but I will come when it is performed.'

"My wife would have objected to this, but she had seen the hand of God so plainly manifest in His dealings with me many times, that she dare not oppose the things manifest to me by His spirit.

She, therefore, consented; and I accompanied her as far as Newark, a small town upwards of one hundred miles from Buffalo, and then took leave of her and of the boat.

"It was early in the morning, just at the dawn of day, I walked ten miles into the country, and stopped to breakfast with a Mr. Wells. I proposed to preach in the evening. Mr. Wells readily accompanied me through the neighborhood to visit the people, and circulate the appointment.

"We visited an old Baptist deacon by the name of Hamlin. After hearing of our appointment for evening, he began to tell of a *book*, a STRANGE BOOK, a VERY STRANGE BOOK! in his possession, which had been just published. This book, he said, purported to have been originally written on plates either of gold or brass, by a branch of the tribes of Israel; and to have been discovered and translated by a young man near Palmyra, in the State of New York, by the aid of visions, or the ministry of angels. I inquired of him how or where the book was to be obtained. He promised me the perusal of it, at his house the next day, if I would call. I felt a strange interest in the book. I preached that evening to a small audience, who appeared to be interested in the truths which I endeavored to unfold to them in a clear and lucid manner from the Scriptures. Next morning I called at his house, where for the first time, my eyes beheld the 'BOOK OF MORMON,'—that book of books—that record which reveals the antiquities of the '*New World*' back to the remotest ages, and which unfolds the destiny of its people and the world for all time to come;—that Book which contains the fulness of the gospel of a crucified and risen Redeemer; that Book which reveals a lost remnant of Joseph, and which was the principal means, in the hands of God, of directing the entire course of my future life.

"I opened it with eagerness, and read its title page. I then read the testimony of several witnesses in relation to the manner of its being found and translated. After this I commenced its contents by course. I read all day; eating was a burden, I had no desire for food; sleep was a burden when the night came, for I preferred reading to sleep.

"As I read, the spirit of the Lord was upon me, and I knew and comprehended that the book was true, as plainly and manifestly as a man comprehends and knows that he exists. My joy was now full, as it were, and I rejoiced sufficiently to more than pay me for all the sorrows, sacrifices and toils of my life. I soon determined to see the young man who had been the instrument of its discovery and translation.

"I accordingly visited the village of Palmyra, and inquired for the residence of Mr. Joseph Smith. I found it some two or three miles from the village. As I approached the house at the close of the day I overtook a man who was driving some cows, and inquired of him for Mr. Joseph Smith, the translator of the '*Book of Mormon*.' He informed me that he now resided in Pennsylvania; some one hundred miles distant. I inquired for his father, or for any of the family. He told me that his father had gone a journey; but that his residence was a small house just before me; and, said he, I am his brother. It was Mr. Hyrum Smith. I informed him of the interest I felt in the book, and of my desire to learn more about it. He welcomed me to his house, and we spent the night together; for neither of us felt disposed to sleep. We conversed most of the night, during which I unfolded to him much of my experience in my search after truth, and my success so far; together with that which I felt was lacking, viz: a commissioned priesthood, or apostleship to minister in the ordinances of God."

Parley P. Pratt meets the Prophet Joseph Smith, believes in the "Marvelous work and a wonder," to be accomplished in the "last days," and is ordained to the ministry. It is then he swells his exultant theme in song, afterwards compiled as the first hymn of the Church:

The morning breaks, the shadows flee;
Lo! Zion's standard is unfurled!
The dawning of a brighter day
Majestic rises on the world.

The clouds of error disappear
Before the rays of truth divine;
The glory, bursting from afar,
Wide o'er the nations soon will shine.

The Gentile fulness now comes in,
And Israel's blessings are at hand;
Lo! Judah's remnant, cleansed from sin,
Shall in their promised Canaan stand.

Jehovah speaks! let earth give ear,
And Gentile nations turn and live;
His mighty arm is making bare,
His cov'nant people to receive.

Angels from heaven and truth from earth
Have met, and both have record borne;
Thus Zion's light is bursting forth,
To bring her ransomed children home.

In these first raptures of his opening views of Israel ransomed and the Jews

again under Jehovah's favor, Mr. Pratt repeats the subject in a yet more triumphant strain:

Come, O Thou King of Kings!
We've waited long for Thee,
With healing in Thy wings,
To set thy people free;
Come, thou desire of nations, come,
Let Israel now be gathered home.

Another hymn is of a similar strain:

Let Judah rejoice in this glorious news,
For the sound of glad tidings will soon reach the Jews,
And save them far, far from oppression and fear,
And deliverance proclaim to their sons far and near.

Long, long thou hast wandered an exile forlorn,
And all that have seen thee have laughed thee to scorn,
Thou naught but affliction and sorrow hast seen,
Heartrending and cheerless thy pathway has been.

* * * * * *

But the days of thy mourning are near at an end,
When Messiah will come, thy Redeemer and friend,
To cheer thee, and bless thee, and dry up thy tears,
And calm thy sad bosom, and chase all thy fears.

* * * * * *

Thy olive shall flourish, thy fig tree shall grow,
And with wine, milk and honey thy mountains shall flow,
'Neath the fig tree and vine, in their cool spreading shade,
Thou shalt worship thy God, and none make thee afraid.

Thy Messiah will come, and His right will maintain,
Over thee and all nations in majesty reign,
Thou shalt with his presence forever be blest,
And from pain, grief and sorrow eternally rest.

Orson Spencer, the first chancellor of the Deseret University, was one of the greatest theological writers of the Mormon Church. "Spencer's Letters" are famous. They were written in answer to a "letter from the Rev. William Crowel, A. M., to Orson Spencer, A. B." The first of these letters bear date as early as October, 1842, but they extend over a period of correspondence to December, 1847. The author afterwards compiled them in a book, in the preface of which it is said:

"The author was extensively known in the New England Middle States, as a preacher of the Baptist denomination. Reference for his character is given to his Excellency George N. Briggs, Governor of the State of Massachusetts, by whom he was once invited to take the pastoral charge of the church where His Excellency resided, and of which he was a member; also to G. Reade, Esq., Connecticut; and Eliphalet Nott, D. D., L. L. D., president of Union College, New York, under whose presidency he graduated in 1824; and also to N. Kendrick, D. D., president of Hamilton Literary and Theological College, from whence the author graduated in 1829. The records of both these institutions will show that the author held the first grade of honorable distinction at the time he left them."

"Spencer's Letters" rank as the first standard theological work of the Church, but is not of that class of literature from which a page can be culled to the advantage of the author and his argument.

Orson Pratt was the chief theological writer of the Church. Hundreds of

thousands of his series of tracts have been in circulation in Great Britain at a time; and in those series he has discussed theology and philosophy with the learned, as well as expounded all the branches of the doctrines of his church. In point of learning, however, his works on mathematics and astronomy rank him the highest. He is, in this scientific department, recognized by the professors both of Great Britain and America, who have read his works; and not unlikely Orson Pratt will yet be claimed by the scientific world as one of its lights. His "Key to the Universe" Professor Pratt considered his masterpiece.

Passing from Utah's learned authors to general literature and poetry, Eliza R. Snow looms up as the long-admired star of her people. She has been their poetess and high priestess a full generation.

When quite young she commenced writing for publication in various journals, which she continued to do for several years, over assumed signatures—wishing to be useful as a writer, and yet unknown except by intimate friends.

"During the contest between Greece and Turkey," she says, "I watched with deep interest the events of the war, and after the terrible destruction of Missolonghi, by the Turks, I wrote an article entitled 'The Fall of Missolonghi.' Soon after its publication, the deaths of Adams and Jefferson occurred on the same memorable Fourth of July, and I was requested, through the press, to write their requiem, to which I responded, and found myself ushered into conspicuity. Subsequently I was awarded eight volumes of Godey's *Lady's Book* for a first prize poem published in one of the journals."

But she is even more sensitive to the heroic and patriotic than to the poetic—at least she has most self-gratification in lofty and patriotic themes.

"That men are born poets," she continues, "is a common adage. *I was born a patriot*,—at least a warm feeling of patriotism inspired my childish heart, and mingled in my earliest thoughts, as evinced in many of the earliest productions of my pen. I can even now recollect how, with beating pulse and strong emotion I listened when but a small child, to the tales of the Revolution.

"My grandfather, on my mother's side, when fighting for the freedom of our country, was taken prisoner by British troops and confined in a dreary cell and so scantily fed that when his fellow-prisoner by his side died from exhaustion, he reported him to the jailor as sick in bed, in order to obtain the amount of food for both—keeping him covered in their blankets as long as he dared to remain with a decaying body.

"This, with many similar narratives of Revolutionary sufferings recounted by my grand-parents, so deeply impressed my mind, that as I grew up to womanhood I fondly cherished a pride for the flag which so proudly waved over the graves of my brave ancestors."

It was the poet's soul of this illustrious Mormon woman that first enchanted the Church with inspired song, and her Hebraic faith and life have given something of their peculiar tone to the entire Mormon people and especially the sisterhood just as Joseph Smith and Brigham Young gave the types and institutions to our modern Israel.

She has written several volumes of poems, and has edited the autobiography

of her brother Lorenzo Snow. Of all her poems and hymns the following, entitled "Invocation, or the Eternal Father and Mother," is pronounced the gem:

Oh! my Father, thou that dwellest
In the high and holy place;
When shall I regain thy presence,
And again behold thy face?

In thy glorious habitation,
Did my spirit once reside?
In my first primeval childhood,
Was I nurtured by thy side?

For a wise and glorious purpose,
Thou hast placed me here on earth;
And withheld the recollection
Of my former friends and birth.

Yet oft-times a secret something,
Whisper'd, "You're a stranger here;"
And I felt that I had wandered
From a more exalted sphere.

I had learned to call thee Father,
Through thy spirit from on high;
But until the key of knowledge
Was restored, I knew not why.

In the heavens are parents single?
No; the thought makes reason stare;
Truth is reason; truth eternal
Tells me I've a Mother there.

When I leave this frail existence—
When I lay this mortal by,
Father, Mother, may I meet you
In your royal court on high.

Then at length, when I've completed
All you sent me forth to do,
With your mutual approbation,
Let me come and dwell with you.

Her tender funeral hymns have solaced the hearts of thousands of the bereaved of her people. "At the Sea of Galilee," is one of her poems written in the Holy Land:

I have stood on the shore of the beautiful sea,
The renowned and immortalized Galilee,
When t'was wrapp'd in repose, at eventide,
Like a royal queen in her conscious pride.

No sound was astir—not a murmuring wave—
Not a motion was seen, but the tremulous lave,
A gentle heave of the water's crest—
As the infant breathes on a mother's breast.

I thought of the present—the past: it seemed
That the silent Sea, with instruction teem'd;
For often, indeed, the heart can hear
What never, in sound has approached the ear.

Full oft has silence been richly fraught
With treasures of wisdom, and stores of thought,
With sacred, heavenly whisperings, too,
That are sweeter than roses, and honey dew.

* * * * * *

Again, when the shades of night, were gone,
In the clear, bright rays of the morning dawn,
I walked on the bank of this selfsame Sea,
Where once, our Redeemer was wont to be.

Where, "Lord save, or I perish," was Peter's prayer,
Befitting the weak and the faithless elsewhere,
And here while admiring this Scriptural Sea,
Th' bold vista of Time, brought th' past up to me;

Emboss'd with events when the Prince of Life,
Endured this world's hatred—its envy and strife;
When, in Him, the Omnipotent was revealed,
And, by Him, the wide breach of the law, was healed.

The gates, He unbarred, and led the way,
Through the shadow of death, to the courts of day;
And "led captivity captive," when
"He ascended on high, and gave gifts unto men."

Sarah E. Carmichael, a gifted daughter of Mormon parents, introduced another class of poetry. Here is a gem of the first water, entitled,

THE STOLEN SUNBEAM.

There's a light that burns with a quenchless glow,
In the wide, deep caverns of earth below;
Like the fire that lives on the Parsee's shrine
Is the amber torch of the lighted mine.
Burning forever, steadily bright;
Flickering never, a changeless light;
Proud and passionless, still and fair;
Burning forever without a glare;
Burning forever, so still and deep,
A quenchless flame in a dreamless sleep;
And Time's broad ocean may roll its waves
While space hath room for the centuries' graves,
It hath not billows to dim the shine
Of the wizard fagot that lights the mine.

Beware! beware! of a starless beam!
The nightmare spell of a miser's dream.
Emotionless ever, its subtle art
Tugs at the strings of the world's strong heart.
The stars of the earth at its bidding stoop;
Awed by its menace, life-roses droop;
And the fairest blossoms that earth can twine
Fade near the taper that lights the mine.

The Fallen looked on the world and sneered:
"I guess, he muttered, "why God is feared;
For eyes of mortals are fain to shun
The midnight heaven that hath no sun.
I will stand on the height of the hills and wait
Where the day goes out at the western gate,
And reaching up to its crown will tear
From its plumes of glory the brightest there;
With the stolen ray I will light the sod,
And turn the eyes of the world from God."

He stood on the height when the sun went down—
He tore one plume from the day's bright crown;
The proud orb stooped till he touched its brow,
And the marks of that touch are on it now,
And the flush of its anger forever more
Burns red when it passes the western door!
The broken feather above him whirled,
In flames of torture around him curled,
And he dashed it down from the snowy height
In broken masses of quivering light.

Ah! more than terrible was the shock
Where the burning splinters struck wave and rock;
The green earth shuddered, and shrank, and paled,
The wave sprang up and the mountain quailed.
Look on the hills—let the scars they bear
Measure the pain of that hour's despair.

The Fallen watched while the whirlwind fanned
The pulsing splinters that plowed the sand;
Sullen he watched, while the hissing waves
Bore them away to the ocean caves;
Sullen he watched, while the shining rill's
Throbbed through the hearts of the rocky hills;
Loudly he laughed: "Is the world not mine?
Proudly the links of its chain shall shine;
Lighted with gems shall its dungeons be;
But the pride of its beauty shall kneel to me!"
That splintered light in the earth grew cold,
And the diction of Mortals hath called it "GOLD!"

There is little among the breathings of the nation's poets, more rare than the "Stolen Sunbeam" of our own "Lizzie" Carmichael, as we were wont to call her in her bright maiden days, when this was written. Her "Moonrise on the Wasatch," is not less beautiful as a poem, yet not so dazzling in splendor. Another, entitled "Stanzas," is toned with the same rich fancy and a touch of exquisite tenderness. The opening poem of her book—"April Flowers," is painfully suggestive of our gifted sister's life:

Pale flowers, pale flowers, ye came too soon;
The North, with icy breath,
Hath whispered hoarsely through the skies
A word that spoke of death.
Ye came too soon—the Spring's first glance,
In this cold clime of ours,
Is but the sheen of Winter's lance—
Ye came too soon pale flowers!

Pale, rain-drenched flowers, ye came to greet
The young Spring's earliest call,
As untaught hearts leap forth to meet
Loved footsteps in the hall:
Ye came—beneath, the snow-wreath lies;
Above, the storm-cloud lowers;
Around, the breath of winter sighs—
Ye came too soon, pale flowers.

Pale, blighted flowers, the summer time
Will smile on brighter leaves;
They will not wither in their prime,
Like a young heart that grieves;
But the impulsive bud is that dare
The chill of April showers.
Breathe woman-love's low martyr prayer—
I kiss your leaves, pale flowers.

Mrs. Emily Woodmansee, a companion poetess of Sarah E. Carmichael, was endowed with a different tone of mind to that of her friend, yet gifted in her line of devotional poetry. The following verses from her pen are in another vein:

WHAT DOES IT MATTER TO ME?

If a storm cloud be over us riven,
The very next thing that we know—
Right over us bending—
A glory transcending,
Is the promised, the beautiful Bow.
So if justice be from us withheld;
Or there's something we'd like that we see;
If we can't now obtain it,
In time we may gain it,
I won't let it matter to me.

Dame Fortune herself, like a see-saw,
Pulls even her pets up, and down;
While some are lamenting,
She's something inventing—
To lift them to wealth or renown.
But 'tis best not to trust to her always,
"Work and wait," to success, 'tis the key.
What if fortune be blind?
Or to others more kind.
Need it matter to you or to me?

If you needs must appear out of date—
To hold up your head have a care;
If somebody dashing—
Should snub you in passing,
Don't wilt 'neath their insolent stare.
Some, lacking more wisdom than style,
By dress, count your class and degree;
Shall we ape their condition,
To win recognition?
What matters their notice to me?

For thanks be to Providence! surely
We've friends, who are sterling as steel,
Who ask not our station,
Our income, or nation—
Caring less for our looks than our weal;
While such are vouchsafed us we will not—
We cannot disconsolate be;
Whilst for friends we are grateful,
Folks haughty and hateful—
Matter little or nothing to me.

Oh! what should they matter indeed;
If our hands and our hearts are but clean,
There's One high above us,
Will own us, and love us—
Though lowly our pathway has been.
And so, when my body shall rest,
In peace with the quiet and free,
If I slumber protected,
By marble erected
Or no, will it matter to me?

And yet, I would like that a few
Should tenderly think o'er my dust,
Here lies a frail woman,
Like all the world human,
Who was honest and true to her trust.
In place of a monument grand—
Plant near me a flower or tree;
So friendship undying,
May mark where I'm lying,
But I doubt if 'twill matter to me.

Mrs. Hannah Tapfield King has long worthily sustained her reputation as a Salt Lake authoress. She was known in literary circles in England, and was on corresponding terms with the celebrated English poetess, Eliza Cook. Her best literature is in the line of biographical romances, literal in their subject and narrative, but dressed with the author's admiring fancy. Such are her interesting stories—"The Diamond Necklace," "The Victorian Era," "Josephine, Wife of Napoleon," and "Mary, the Bride of Suffolk"—sister of Henry VIII. of England. The latter is a rare specimen of old English romance and composition.

Mrs. Emeline B. Wells is not only one of our Salt Lake authors, but is also the editor and manager of the *Woman's Exponent*, which has for many years been sustained by her literary enthusiasm and business perseverance. The following poem, entitled, "The Wife to her Husband," is a tender fragment from her pen:

THE WIFE TO HER HUSBAND.

It seems to me that should I die,
And this poor body cold and lifeless lie,
And thou should'st touch my lips with thy warm breath,
The life-blood quicken'd in each sep'rate vein,
Would wildly, madly rushing back again,
Bring the glad spirit from the isle of death.

It seems to me that were I dead,
And thou in sympathy should'st o'er me shed
Some tears of sorrow, or of sad regret,
That every pearly drop that fell in grief,
Would bud, or blossom, bursting into leaf,
To prove immortal love could not forget.

I do believe that round my grave,
When the cool, fragrant, evening zephyrs wave,
Should'st thou in friendship linger near the spot,
And breathe some tender words in memory,
That this poor heart in grateful constancy,
Would softly whisper back some loving thought.

I do believe that should I pass,
Into the unknown land of happiness,
And thou should'st wish to see my face once more,
That in my earnest longing after thee,
I would come forth in joyful ecstacy,
And once again gaze on thee as before.

I do believe my faith in thee,
Stronger than life, an anchor firm to be,
Planted in thy integrity and worth,
A perfect trust, implicit and secure;
That will all trials and all griefs endure,
And bless and comfort me while here on earth

I do believe who love hath known,
Or sublime friendship's purest, highest tone,
Hath tasted of the cup of ripest bliss,
And drank the choicest wine life hath to give,
Hath known the truest joy it is to live;
What blessings rich or great compared to this?

I do believe true love to be
An element that in its tendency,
Is elevating to the human mind;
An intuition which we recognize
As foretaste of immortal Paradise,
Through which the soul will be refined.

To Mrs. Crocheron was awarded the prize for a Christmas story published in the *Contributor* of January, 1883. She has also published a little volume of poems.

William Gill Mills, an author of more than local fame, is a native of the Isle of Man, and received a classical education in his native island. Previous to his emigration to Utah, he obtained considerable reputation as an author.

A number of Mr. Mills' early poems were published in the *Millennial Star* and also in the *Deseret News;* and several very fine hymns from his pen were compiled in the various editions of the "Latter-day Saints' Hymn Book."

During the early residence of Mr. Mills in Salt Lake City, he sent several poems to Godey's *Lady's Book*, for which the editress, Mrs. Sarah Jane Hale, herself one of America's sweetest poets, sent complimentary letters requesting further effusions. One of these poems furnished a leader for the *Monthly Literary Gazette* of Boston. It was entitled "Our Good Time is in the Present."

The following sweet *morceaux*, of conjugal affection, simple as sweet, and unique, yet enjoyed by millions of young hearts, appeared also in *Godey's Book*, and received compliments from Mrs. Hale:

TO MY WIFE.

*(On my first visit to my parents' home after marriage.)*

I'm seated 'neath my parents' roof,
This old familiar place;
And, as I cast a glance around,
Can each fond relic trace.

My mother clasps her first-born son,
With all a mother's feeling;
My father's smile and heaving breast
His inmost soul's revealing.

My brothers clasp me by the hand,
Each sister round me clings;
Here words are true, and hearts sincere—
O, rare and priceless things.

The joyous welcome breathings fall,
Like music on my ears;
The tales they tell, and questions bring
The life of other years.

Well I can prize this happy scene,
And feel its sweet control;
And every word and smile can find
A place within my soul.

I love them all, but there is one
Is dearer still to me,
Without whose presence this fair earth
A dreary waste would be.

She spreads a charm through every scene,
That mocks the cares of life;
She leans her trusting heart on mine—
*My own endearing* WIFE.

For her I'd leave friends, kin and place—
All I have known before;
Not that I love them aught the less,
But that I love her more.

Mr. Mills' translations of some of Anacreon's lyrics have been pronounced by Greek scholars as equal, in purity of translation and versification, to any that have ever appeared. His great poem of Cleanthes, the Stoic philosopher, entitled "Hymn to Jove," will illustrate Mr. Mills' classics:

HYMN TO JOVE.

Greatest of Gods! by many names adored,
Ruling all things, and Ever-ruling Lord!
Zeus! All nature's origin and source,
Governing by Law creation in its course,
We mortals, Thee address in praise and prayer,
As it is due, for we Thy offspring are,
To whom, alone, of all that move or live,
The power of imitative speech dost give;
Hence will I praise Thee ever, and make known
Thy power and glory through all nature shown.
The sparkling heavens that round our planet roll
Obey Thy will, submit to Thy control;
Whither thou leadest following the way,
And freely the eternal Law obey.

Thou holdest in Thy mighty hand at ease,—
As minister of power to work Thy purposes—
The deathless thunderbolt, two-edged, a flame,
Whose flashing roar appal great nature's frame;
Thou guid'st the common Reason that does all
Things permeate, passing through great and small,
Filling the radiant orbs that whirl afar,
From sun and moon and every midnight star
To the minutest particle that is,
Making It King of all existencies.
Without Thee naught is done, Oh, Deity,
From the ethereal pole to earth's deep sea,—
Save the great evils wrought and seen and heard
By sinful, senseless, wicked men preferred.
But order out of chaos, Thou canst make,
Beauty from grossness, chord from discord wake;
So from variety bring unity,
That even out of evil good shall be:
Thus, throughout nature, one great Law is known,
Which but the wicked disobey alone.
Deceived are they for happiness who pine—
That will nor see nor hear the law divine,
Which, if obeyed, would truly lead to life;
But each his own way joins the hapless strife.
Some strive; in battle, glory to attain;
Others, inglorious lost, are seeking gain;
Others to sensual joys and pleasure trend,
While seeking life in hasting ruin end
But Zeus!—All-bestower Cause and Force
Of clouds, Ruler of thunder in its course!
Do thou guard men from error's sad control;
Dispel the clouds that gather round the soul,
And let us follow, to eternal gain,
The laws all-governing Thy righteous reign.
That we be honored we will honor Thee,
Hymning Thy love and deeds harmoniously.
As mortals should to make them truly great.—
For, nor for gods nor men in their estate,
Can ought be nobler than, adoring, raise
Their voices in perpetual songs of praise
Of the eternal Law and Reason found,
Common to all, the universe around!

There is a pensive plaint in his last beautiful effusion:

THOUGHTS ON A STARRY NIGHT.

Oh, beautiful and glorious orbs of light
That thus have glistened round the throne of Night,
Unnumbered cycles in your ether wave
And radiant still, but silent as the grave!
How many yearning hearts like mine, on earth,
Have questioned you to know your holy birth?
In vain the thought our deepest feelings stirred,
Ye shine, and shine, but answer not a word.
Why is it thus? Why your vast discs be less
By lifeless, cold, illimitable space?
The music, too, is lost of your grand motion
In the wide waves of your ethereal ocean;
Or if some meditative poet-ear
Catch the sweet cadence, flowing from you here,
It is so soft, so faint, so exquisite
It vibrates only through the soul made fit
To listen to the "music of the spheres,"
Rather than vibrates on the outward ears.

* * * * *

But, then, ye are so distant, and with all
Your vast and bright immenseness are so small,
That a bat's wing, nay, ev'n a tiny leaf
Which trembles by a zephyr, soft and brief,
If intervening can your brightness shade—
An eclipse to our raptured vision made:

What! a lone feather on a bird unfurled,
Or tiny fading leaf eclipse a world!
But, ah! 'tis thus, ev'n on our globe itself
The veriest trash, the lure of filthiest pelf,
The hidden mischief of the secret earth,
The claim of title, blood, descent and birth,
If interposing, 'twixt the priceless gem
Of genius forming in the mine, to stem
The current of the warm sun's fostering rays,
Will intercept the bright creative blaze,
And let the glorious jewel lie in doom
To waste in grand prolific Nature's womb.
Ay! but there are some souls of holy fire
That will shine out and other hearts inspire,
Whose light will sparkle with increasing rays
Till genial natures kindle in the blaze.

* * * *

With natures such as those 'tis purest joy
The hours in blest communion to employ.

* * * *

And we can gaze upon the stellar light
In lustre beaming in the dome of night:
Behold the self-same stars that Byron viewed
When in his Grecian skiff he skimmed the flood;
Or when the sprightlier Moore oft glanced amon;
Translating them into his glowing song,
And those that sparkled in the skies of Greece
Inspiring Homer into extacies,
Who deemed them exquisitely beautified
That ev'n the gods might dwell in them with pride;
Nay more—perchance the very stars that shone
Which David in Judea gazed upon,
Whose glorious beauty filled the vaulted span,
He wondered God should think of puny man.
Oh, holy Night! seen by thy distant beams!
If thou can'st wake so many luminous dreams

* * * *

Can'st bring us into one immortal feeling
Past, present, future with their grand revealing,
Oh, let me from thy influence and power
Draw inspiration for this musing hour,
Let me mount up thy mystic atmosphere.
Let shapes of heroes, poets, gods appear
To my impassioned gaze amid the clouds,
And have the greeting of those noble crowds.

My soul is pensive, wayward, lonely now;
And so the silvery moon, that from her brow
Shoots her mild rays across the misty deep,
Or on the rugged mountain lies asleep,
Seems brighter, grander and more glorious than
The glaring sun that shines upon the haunts of man.

Mr. Mills obtained two prizes for poems in London literary papers, competition for which was open to all writers in Great Britain. The principal and professors of St. Bees College, in England, presented great marks of esteem to Mr. Mills for his beautiful "Monody on the Death of a Young Lady."

Mr. Henry W. Naisbitt has long held a foremost place among our Salt Lake poets. His poems are typical of the man. His subjects exhibit the native dignity of his own thoughts. Following are specimens:

TO-DAY.

*"As thy day is so shall thy strength be."—Bible.*

Strength for to-day is all we need,
There never will be a to-morrow,
For to-morrow will prove another to-day,
With its measure of joy and sorrow.

Strength for to-day is all we get,
'T is well to have that when needed;
Full oft when the sun in the west is set,
Our strength has our hope exceeded.

Strength for to-day, is all we ask;
Why grasp like the miser reaching?
When many are tired, though small their task,
And they perish while life beseeching.

Strength for to-day; what more to say,—
What use for a soul to borrow;
Life's troubles are surely enough to-day,
And we never shall see a morrow.

Strength for to-day, I bless that word;
Ah, it falls like a sunset's glory;
My Father, 'tis not too long deferred,
Each day brings the self-same story:

Strength for to-day! No trouble now
Seems worthy of thought or sorrow;
THY promise spans, like yon arching bow,
The day-life, which knows no morrow.

## THY NAME BE PRAISED!

Swells there a grand inspiring thought;
It comes from God,
And breaks with lofty purpose fraught;
On earth's green sod!

With tidal force it ebbs, it flows,
As centuries pass;
Man knows not whence it comes, or goes,
Or why it was!

'Tis meteor like, now here, now there,—
Impulsive seems;
Now in the summer's morning air,
Then, midnight dreams!

In zones apart, in lands afar,
With us,—to-day;
Then moveless as yon radiant star,
Or Milky-way!

Erratic, yet there is design,
And wondrous plan;
What sage hath lore to help define
For fellow-man?

This inspiration shall be felt,
And wide extend;
Till fertile hearts our earth shall belt,
And time shall end!

Hail glorious age, hail latter-day;—
The days of light!
Hail Priesthoods grasp, hail its full sway,
The rule of right!

For purpose is its end and aim,
From sire to son;
To give to God, earth, back again,
Which will be done!

How proudly beats the true man's heart,
But God's can know;
For they to him that fire impart,
Whose intense glow,—
Shall light the world to higher spheres
That day of earth's, one thousand years!

## BESIDE THE GARDEN GATE.

The stars had lit their ruddy fires
O'er all the crowning arch of night;
For day had fled to gild the spires
Of western lands, with living light.
The silent beauty bade me wait,
Beside the swinging garden gate.

'T was Springtime then and perfume filled
The evening air as twain we stood;
While love-tones through my being thrilled,
As hand pressed hand, to say, I should,
And bright eyes told that lips would wait,
A kiss beside the garden gate.

As gently round my arms I swept,
I clasped her to my bounding heart;
'T was then the love which long had slept,
Made two hearts one no time could part,
And now—no need to wish or wait,
My kiss beside the garden gate.

For weal or woe, Love's impulse swells
And thine true heart is mine, my own;
My every pulse and action tells
That happy hours from Love have grown.
But memory knows I once did wait,
My first kiss by the garden gate.

DRIFTING!

Drifting apart, two fallen leaves,
On the rippling face of a laughing tide,
Yet each coquetting with make-believes,
That still they are floating side by side!

Dancing and drifting to music sweet,—
Murmuring music 'neath Autumn's sun;
They, in the Springtime and Summer's heat,
On the same tree had their life as one!

Drifting apart, obstructions tell,—
Further and further they now divide;
One goes down where the rapids swell,
The other finds rest on a peaceful tide!

Quiet it floats, and a peaceful nook
Controls its end, where it sinks away;
The other,—is dashed and wildly shook,
Yet, like its fellow, meets sad decay!

* * * * * * *

Drifting apart,—two human hearts,
Though life's sun glows in their azure skies,
And ever from each, the one thought starts,—
"'Tis only a moment,"—they both despise!

A moment of life, yet fraught with death
From chilling words, from a dark surmise,
'Tis drifting apart,—yet, neither saith,
"The distance is creeping," ah, sad disguise!

The one by a quiet pathway lies,
Out of the current, in shady nook;
The other, the whirl of excitement tries,
For pleasure is followed for garish look!

Destiny,—acting on self—is met,
Through self delusion; the end portray;
Dancing or silent, life's sun doth set,
In drifting apart, Love meets decay!

Mr. Orson F. Whitney, the youngest of our poets is working on a poem of the epic order. His jubilee poem, written in 1880 to celebrate the jubilee of his people, brought him into prominent notice. It is a noble picture of the Mormon Pioneers, and the subject of their first sight of the Valley of the Great Salt Lake.

At a later period he struck a loftier theme, under the style of "A Christmas Idyl," published in the *Contributor*. This is also an epic fragment, which he has re-named "Immanuel." His last effort of a similar class is entitled

THE ANCIENT OF THE MOUNT.

Alone upon the mount; a mighty hill
Capped with the lingering snows of vanished years,
Where towering forms the etherial azure fill,
Swept by the breath of taintless atmospheres;
Where Nature throned in solitude, reveres
The God whose glory she doth symbolize,
And on the altar watered by her tears
Spreads far around the fragrant sacrifice
Whose incense wafts her sweet memorial to the skies.

Here let me linger. O my native hills—
Snow-mantled wonders of the western waste!—
With what a joy the bounding bosom thrills,
Whose steps aspiring mar your summits chaste!
Not Language with her robes of rarest taste,
Could clothe the swift-born thoughts in fitting dress,
Surging upon the mind with torrent haste,
Wrapt in mute wonder's conscious littleness
Where loom the cloud-crowned monarchs of the wilderness.

Whereo'er I roam, and still have loved to roam
From early childhood's scarce-remembered day,
And found my pensive soul's congenial home
Far from the depths where human passions play.
Born at their feet, my own have learned to stray
Familiar o'er these pathless heights and feel,
As now, my mind assume a loftier sway,
Soaring for themes that past its portals steal,
Beyond its power to reach or utterance to reveal.

Oh, that my words were written in the rock,
Graven with iron pen whose letters bold,
Surviving still the crumbling ages shock,
Should stand when seas of change around them roll'ed!
In kindred phrase lamented one of old,
Knew he not well, ye mighty tomes of clay,
How firm the trust your flinty page might hold?
Have ye not spurned the fiats of Decay?
Are ye not standing now where nations passed away?

Ye hoary sentinels, whom heaven willed
Should guard the treasures of a glorious land!
Had primal man the sacred garden tilled,
Ere yet terrestrial scenes your vision scanned?
Were ye of miracles primeval, planned
Ere rolled the world-creating fiat forth?
Or came at fell Convulsion's fierce command,
'Mid loud-tongued thunders bursting from the earth—
The martial music that proclaimed your war-like birth?

Ye voiceless oracles, whose intelligence
Sleeps in the caverns of each stony heart,
Yet breathes o'er all a silent eloquence,
What wealth historic might your words impart!
Lone hermit of the hills, that loom'st apart
From where thy banded mates in union dwell;
A chosen leader seemingly thou art,
The spokesman of the throng that round thee swell!
And oh, were speech thy boon, what volumes could'st thou tell!

Thrice wondrous things were thine to wisely scan,
And stranger yet than dreamed of mortal lore—
Had'st thou that gift full oft misused by man,
Though deemed his glory—thou might'st all restore,
Till learning's tide o'erwhelmed its shining shore,
And doubting souls, ill-fated to deny
Bright truths exhumed from wisdom's buried store,
Might in yon stream persuasion's force descry,
And gladly drinking live, who doubting thirst and die.

Vain, vain the unavailable. Firm sealed
Those rigid lips whose accents might disclose
Marvels and mysteries yet unrevealed,
Realms rich with joy, or wastes of human woes;
Or names of mighty empires that arose
And fell like frost-hewn flowers before thy face;
Causes which wrought them an untimely close,
Dark crimes for which a once delightsome race
Was doomed to sink in death or live 'neath foul disgrace.

And like the laboring brain that burns to speak
Unutterable thoughts, deep in its dungeons pent;
Or liker still to inward boiling peak
Of fires volcanic, vainly seeking vent
Where rock-ribbed walls an egress e'er prevent,

Thou'rt doomed to utter stillness, and shalt keep
The burden of thy bearing till is rent
Yon heavenly vail, and earth and air and deep
Tell secrets that shall rouse the dead from solemn sleep.

Thus musing, lone upon a beetling brow,
Clothing with utterance the thoughts that sprung
Swift as the sun fused flood's impetuous flow,
Methought from out the rocky caves there rung
A voice, whose tones bewrayed no mortal tongue,
But deeply clear though darkly mournful broke,
As notes from off the weird-toned viol flung,
Or, as the heavens lowly rumbling spoke,
Heralding the storm-king with vivid flash and stroke:

"Son of man!"—the solemn sound rose echoing high—
"Why lingerest here upon the mountain's brow?
Deem'st thou no stranger ear was listening nigh?
No louder tongue than thine, which did but now
Powers of mine own so boldly disallow?
What would'st thou? Speak! And haply thou shalt find
These silent rocks their story may avow,
In words such as the will of human-kind
Hath made the wings whereon thought flits from mind to mind."

Amazed I listened. Did I more than dream?
Had random words aroused unhoped reply?
Or was it sound whose import did but seem?
Hark!—for again it breaks upon the sky:
"Then query hast thou none, or none would'st ply,
Save to thy soul in meditative strain,
Or heedless winds that wander idly by?
So be it; still to me thy purpose plain,
Thy hidden wish revealed, nor thus revealed in vain."

While yet upon the circumambient air
Weird echoes trembled of that wilder tone;
While, as on threshold of a lion's lair,
Speechless I stood, as stricken into stone;
Methought the sun with lessening splendor shone,
As if some wandering cloud obscured his gaze.
Expectant of such trite phenomenon,
Turning, mine eyes beheld with rapt amaze
What memory ne'er should lose were life of endless days.

A stately form of giant stature tall,
Of hoary aspect venerable and grave,
Whose curling locks and beard of copious fall
Vied the white foam of ocean's storm-whipt wave.
The deep-set eye flashed lightning from its cave,
Far-darting penetration's gaze, combined
With wisdom's milder light. Of learning, gave
Deep evidence that brow by labor lined,
Thought's ample throne where might but rule a monarch mind.

The spirit's garb—for spirit so it seemed—
Fell radiant in many a flowing fold,
Of style antique, by modern limners deemed
Befitting monk or eremite of old.
The hoary head was bare, the presence bold
With majesty, e'en as a God might wear
When condescended to a mortal mould.
It spake—the voice no longer thrilled with fear,
Like solemn music's swell it charmed the listening ear.

"Mine is the burden of the mighty past;
Far ages flown find oracle in me;
Reserved of all my race, on earth the last,
Alike thy minstrel and thy muse to be,
For this my doom, fixed by a firm decree—
Wherefore or whence it suits me not to say:
But hence to pass might I no more be free,
Till destiny should guide or hither stray
One who would quest my tale and list my solemn lay.

"Long have I watched and waited; but no sound
Broke the deep stillness of my drear abode—
Save 'twere the thunder smote the trembling ground,
Or far beneath some torrent's fury flowed;
Anon the screaming eagle past me rode;
The seeker after gold, with toilsome stride,
And eager eyes to fix the shining lode,
Hath paused and panted on the steep hill-side;—
But none for greater things till now have hither hied.

"List, son of man, for I am one by whom
Tidings of times forgotten thou shalt hear;
Thy mission to dispel in part the gloom
That wraps the mystic past and chains me here.
Thou, my deliverer from durance drear,
Hearken till I the record have unrolled;
Then, rest not thou, nor toil nor danger fear,
Till all that I may tell or yet have told
Shall blaze in letters bright on history's page of gold."

The ancient paused, and, unespied till then,
A mammoth harp his bosom swung before;
Such as, perchance, tuned Israel's psalmist when
An evil sprite his monarch tossed and tore,
And music's magic quelled satanic power;
Seated, his form against a crag reclined,
He waved me to his feet, and forth did pour
In rolling numbers on the mountain wind,
The song whose surges swept the channels of his mind

"The soil whereon thou stand'st is Freedom's own,
Redeemed by blood of patriots o'er and o'er;
When all else was defiled, this land alone
Was sacred kept—a consecrated shore.
The Gods of freedom and of justice swore
No tyrant should this chosen land defile;
And nations here, that for a season wore
The robe of power, must righteous be the while,
Or Ruin's torch should swiftly light their funeral pile.

"Three races nursed upon this goodly land;
And nations glorious as the stars of heaven
Have fallen by Retribution's blood-red hand
Before mine eyes, since that dread word was given;
Empires and realms, as trees by lightning riven;
Cities laid waste and lands left desolate;
The wretched remnant, blasted, cursed and driven
Forth by the furies of revengeful Fate—
Till Wonder asks in vain, 'What of their former state?'"

Mr. Whitney is still working upon this poem, which gives promise of great capacity and variety of treatment. It is designed to embody the epic story of three races of this continent—two of the ancients who have passed away, whose history in a poem is to be revealed by "The Ancient of the Mount," and the present race of Americans whose future is to be outlined by this august shadow of the olden times.

The veteran poet, John Lyon, in his native Scotland, now nearly sixty years ago, entered the sphere of authorship and earned his daily bread by his pen. This note of itself is a suggestive reminiscence of his life, for sixty years ago were days when authors lived and died in garrets, and the "fittest alone survived." As an author he came into the Mormon Church and has held his place as an author to the good old age of eighty-three. His best line of authorship was in his characteristic Scottish stories. His description of Scottish scenery not only shows the professional author's hand, but sometimes they remind the reader of the touches of Sir Walter Scott. It is not possible in a general chapter to give ade-

quate examples of his stories; they are published and will occupy a place in Utah literature; but the following reflections from his venerable pen may be repeated as the closing talk to the reader from a dear old friend:

YOUTH AND AGE.

The thoughts of infancy and childhood seem
  Like dreams that vanish at our waking hours,
While boyhood's actions is a fresher theme,
  Ere age is weak'ning the reflective powers.
Well we remember most we've said or done,
  What others said or sung in sport or play,
Of thoughts and feelings long since past and gone,
  We see and hear, as if 'twere yesterday.

The smile parental approbation gave,
  The pedant's birch that o'er the truant played;
The shallow brook, we, wading, stem'd the wave,
  Or played at hide-and-see's in bushy glade.
The tempting treasure of the ripened fruit;
  The yellow cream the cupboard hid from view;
The stolen sugar and the quick pursuit,
  When grandma with the broom-stick did pursue.

The old graveyard, so lonely on the hill,
  We've thoughtless roamed, and on the tombstones read
Of severed friendship, graved by human skill,
  That would have raised the blushes of the dead;
The burning fever, stung by Cupid's dart,
  That longed for something death had nameless made,
Which we could feel, yet dared not to impart
  Of what we felt for some bewitching maid.

The favors granted that no toil had won;
  The praise or blame we earned for good or bad;
The tricks we played; the races we had run;
  The proud contentions and the fights we had;
The giant thoughts by emulation sown,
  How great we would be if with learning fraught;
Graved golden scenes of life, with riches strewn,
  Without a thorn to gall youth's happy thought.

Beyond the hoary age of four score years
  The best of life is tainted with disease—
A semi-lameness, blindness, half-closed ears!
  But youth's reflection minds all things with ease.
Beyond this date we grow a child again,
  Minus of all the pleasures of our youth,
With here and there a little touch of pain,
  And wav'ring step would tumble us forsooth.

"If not to know the tale of ages past,"
  'Tis said, "we will continue still a child;"
Alas! when mem'ry fades, a dark cloud cast
  O'er manhood, life looks mystified and riled.
Search where we may to find some truth revered,
  It seems a phantom fading from our sight;
Our boyhood life starts up, loved, loathed or feared,
  Instead of what we looked for in another light.

All these remain in mem'ry's passing thought,
  And moulds reflection of our by-past years;
The time and place, like spectres, all unsought,
  Passing before us, joyous or in tears,
Till sight and mem'ry dims the vital spark,
  And lame and weary on our crutch we lean,
Forgetting all, so childlike, in the dark,
  We pass in dotage from this mortal scene.

Still, 'midst the changes of this mortal scene,
  One hope remains, unaltered and and secure—
That nothing yet could ever come between
  To make the hope of after life obscure.
While faith and hope grow brighter in old age,
  Though all the framework of the body's riven;
The chinks of time but lighten up life's stage
  To show the actor on his way to heaven.

Judge C. C. Goodwin is one of the ablest journalists on the Pacific Coast, and an author of high culture, speaking in the old classical sense of authorship. Modern journalists are rarely authors, still rarer poets; and, when such an one is found in the editorial chair, we are reminded of "the days past and gone," when Douglas Jerrold edited *Lloyd's* (London) *Newspaper*, Thackeray the *Cornhill Magazine*, and Dickens, *Household Words*. Such an editor we have in Judge Goodwin of the Salt Lake *Tribune*, whose morning leaders frequently rise to the dignity of prose poems. The following is a touch of his poetic pen:

ERNEST FAITHFUL.

'T was the soul of Ernest Faithful
  Loosed from its house of clay—
Its mission on earth completed,
  To the judgment passed away.

'T was the soul of Ernest Faithful
  Stood at the Bar above,
Where the deeds of men are passed upon
  In justice, but in love.

And an angel questioned Faithful
  Of the life just passed on earth!
What could he plead of virtue?
  What could he count of worth?

And the soul of Ernest Faithful
  Trembled in sore dismay;
And from the judgment-angel's gaze,
  Shuddering, turned away.

For Memory came and whispered
  How worldly was that life;
Unfairly plotting, sometimes
  In anger and in strife—

For a selfish end essaying
  To treasures win, or fame;
And the soul of Ernest cowered 'neath
  The angel's eye of flame.

Then from his book the angel drew
  A leaf with name and date,
A record of this Ernest's life,
  Wove in the loom of Fate.

And said, "O Faithful, answer me;
  Here is a midnight scroll.
What did'st thou 'neath the stars that night?
  Did'st linger o'er the bowl?

"Filling the night with revelry,
  With cards and wine and dice,
And adding music's ecstasy,
  To give more charms to vice?"

Then the soul of Faithful answered:
  "By the bedside of a friend
I watched the long hours through; that night
  His life drew near its end."

"Here's another date at midnight;
Where wast thou this night, say?"
"I was waiting by the dust of one
Whose soul had fled that day."

"These dollar marks," the angel said:
"What mean they, Ernest, tell?"
"It was a trifle that I gave
To one whom want befell."

"Here's thine own picture, illy dressed;
What means this scant attire?"
"I know not," answered Faithful, "save
That once 'mid tempests dire,

"I found a fellow-man benumbed,
And lost amid the storm;
And so around him wrapped my vest
His suffering limbs to warm."

"Here is a woman's face, a girl's,
O Ernest, is this well?
Know'st how often woman's arms
Have drawn men's souls to hell?"

Then Ernest answered: "The poor girl,
An orphan was; I gave
A trifle of my ample stores
The child from want to save."

"Next are some words, what mean they here?"
Then Ernest answered low;
"A fellow-man approached me once,
Whose life was full of woe,

"When I had naught to give, except
Some words of hope and trust;
I bade him still have faith, for God,
Who ruled above, was just."

Then the grave angel smiled and moved
Ajar the pearly gate,
And said, "Oh, soul! we welcome thee
Unto this new estate."

"Enter! nor sorrow more is thine,
Nor grief; we know thy creed—
Thou who has soothed thy fellow-man
In hour of sorest need—

"Thou who hast watched thy brother's dust,
When the wrung soul had fled;
And to the stranger gave thy cloak,
And to the orphan bread—

"And when all else was gone, had still
A word of kindly cheer
For one more wretched than thyself,
Thou, soul, art welcomed here.

"Put on the robe thou gav'st away,
'Tis stainless now and white;
And all thy words and deeds are gems;
Wear them, it is thy right."

And then from choir and harp awoke
A joyous, welcome strain,
Which other choirs and harps took up
In jubilant refrain,

Till all the aisles of Paradise
Grew resonant, as beat
The measures of that mighty song
Of welcome, full and sweet.

The late E. L. Sloan was, in his line, the ablest of our writers. He figured first in his native country, Ireland, as a minor poet. He published a little volume of his poems, a copy of which he sent to the *Millennial Star* office, which attracted the attention of E. W. Tullidge, who wrote to him and offered a brother's helping hand. Mr. Sloan replied with an article entitled "The Destiny of Nations," which was the first prose effort of his pen published. The circumstance brought him from Ireland, and finally he succeeded Tullidge as assistant editor of the *Millennial Star*. That article marks the commencement of E. L. Sloan's professional career, and he never forget to acknowledge the friend who opened his way in life. Mr. Sloan was an able magazine writer, but his distinguishing place was that of a journalist.

Charles W. Penrose is also principally historical in Utah as the founder of a journal—the Ogden *Junction*—and more recently as the editor of the *Deseret News*. But Mr. Penrose first became famous among the Mormon people as a poet. His most popular characteristic song of his people is —"Oh! Zion." It is too familiar to need quoting.

John Jaques is one of our elder poets, a journalist, and historian.

E. W. Tullidge has contributed to literatnre and published a magazine.

Robert W. Sloan is well known among local writers. Among other honors he won the prize offered by Mr. George A. Meears, at the fair of the Deseret Agricultural and Manufacturing Society, for the best essay on "Utah; her Resources and Attractions," in which contest were engaged several able and distinguished pens. He is an apt and interesting writer in the line of journalistic correspondence and in literature generally has marked talent.

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We next come to our painters.

Many influences have aided to develop an early taste and love for pictures in the community, far in advance of that in surrounding Territories and greater than the newness of the country would seem to promise. A large proportion of our citizens are from the old world, fresh from the memories of countless art galleries which, abroad, are cast open to the inspection of all classes, however poor. By these means they have unconsciously acquired much judgment and taste, and a regard for the beautiful by association with the artistic developments of Europe. It must also be remembered that they are the reverse of a floating population. Immediately on their arrival, they have made themselves homes, and possessing, from the beginning, a definite intention of remaining here, have, in some degree, been disposed to patronize the artists in the embellishment of their parlors.

Art in Utah has at least kept pace with the other branches of civilization. There is no cause for wonder that, among us, the treatment of landscapes should exhibit such progress, for this Territory possesses sufficient elements of grandeur and beauty to give impulse and inspiration to any artist; while in some portions, notably in the Southern counties—Utah scenery has lines of individuality that are unique, and have contributed to the fame of Thomas Moran and other artists of celebrity. Utah also possesses, at many points, the ponderous outlines belonging to Rocky Mountain scenery; and with its crystal atmosphere presents new effects of distance—clear and sometimes hard, yet with their own ærial

beauties—whose just expression is reserved for the brush of some native artist untrammelled by mannerisms acquired in European studios.

Confined to this local sense, it may be said Utah has been a nursery to the painters who have grown in her own soil; but it is rather of the fruitfulness of the artistic element that we may boast than of superlative quality of local names. If in half a century Utah should give but one *great* painter to the world, she will have contributed her full quota to the immortal role.

The first artist who followed his profession in Utah was William Majors. His works were principally small profile portraits in water colors, specimens of which may occasionally be found in the possession of the families who came in with the pioneers. Mr. Majors, going to England in 1853, died shortly afterward in London.

About this time, William Ward—who had considerable ability as a sculptor—arrived in the Territory; but after a few years' residence, returned to the Eastern States. The lion which lies couchant on the portico of the "Lion House" is quite a public specimen of his work.

Among the best artists of Utah, the late William V. Morris may claim a niche of lasting fame. Nature endowed him with rarer gifts than his sphere as an ornamental house painter brought into artistic practice. Had he received a first class art training under some great master and spent his life in the higher branches, he would probably have reached the rank of a master figure painter. He came to Salt Lake City in 1852, started the first painter's shop in Utah, on Main Street of this city. He ranks historically as the pioneer decorative painter of Utah. He did the first graining in the Territory, the work being done for President Young, in the Lion House and the Bee-Hive House. He next executed some fine work for the late Mr. William Jennings.

In 1861, George M. Ottinger arrived in Salt Lake City and permanently established himself in his profession. At this time, the people of the Territory had somewhat emerged from the straightened circumstances of earlier days; and buildings were being erected with some pretentions towards ornamentation. The theatre was shortly completed and Ottinger, the painter, and William V. Morris, the decorator, found employment in painting the scenery and decorations. Much of their work in this direction remains to-day in excellent preservation, giving evidence of originality, care and conscientiousness. It has recently been carried to greater completion by Morris' son, Wm. C. Morris, on whose shoulders the mantle of his father's talents seems to have fallen.

The following year Daniel A. Weggeland, and, in 1863, John Tullidge, came to Utah—both being men of artistic taste and accomplishments—and quite a little society of artists and art-lovers was thus formed. Before the close of the year 1863, these instituted an organization under the title of the Deseret Academy of Arts. Its objects was the extension of the various branches of the Fine Arts, and an advantageous manner of teaching drawing and painting to aspirants. A building was rented (Romney's Hall, Main Street) and a night school for drawing classes commenced; but the effort seemed premature for, after a few month's trial, the project was abandoned and the society shortly after dissolved.

Since then, the only public patronage that the artists have received has been

by means of the Deseret Agricultural and Manufacturing Society who, at their fairs, have stimulated our painters by the offer of gold and silver medals.

Later on, towards 1870, Alfred Lambourne came into notice. He arrived in Utah in 1866, when a boy of sixteen, and began his career as an artist in this city, being the first of any note that the Territory had produced from the native school. He is scrupulously original in his work, rarely painting except from his own sketches from nature. His choice of subjects is such as to give strength and dignity to his pictures.

About this date Phineas H. Young, son of "Uncle Joseph Young," not only attracted the attention of the art patrons of our city, but the warm encouragement of the elder members of the profession, who welcomed with a sort of family pride the promise of a rising painter native born. He first studied under Dan Weggeland. His best line seemed to be in the painting of figures and faces, though he also painted landscapes. That he possessed the talent of a painter of more than ordinary quality there is no doubt, but death claimed him in his youth and ended the promise of future fame.

In 1866, Mr. Arthur Mitchell, an Englishman, made his residence here, adding to the number of artists. Although his works are few in number, they give evidence of skill in the delicate manipulation of textures, and his familiar knowledge of painting and painters abroad has made him an acquisition to our art circle. The principal works that we have seen from his brush have been fruit pieces and a few small landscapes.

Mr. Reuben Kirkham (formerly of Salt Lake City but now residing in Logan) is another artist whose career began in Utah. His works, during the few years he has devoted to the profession, have been numerous and varied, embracing landscape, portrait and figure painting. His landscapes possess the decided merit of originality. An ardent lover of the sublime and picturesque in nature, he has endeavored to paint the most stupendous subjects that the magnificent scenery of Utah can suggest.

Of the elder painters a few biographical touches may be given.

Dan Anthony Weggeland was born March 31st, 1829, in Christiansand, Norway, where, his early taste for drawing and painting being manifested, his studies were directed by the artists of that city. Going to Copenhagen, he was there admitted, at the the age of eighteen, as a pupil in the Royal Academy of Fine Arts. Here he continued his studies for three years, at the expiration of which he left Denmark and returned to his native country. Six years later, he visited the north of England, pursuing his profession of portrait painter, and remained in that country until the spring of 1861, when he emigrated to America. Remaining for a season in New York, he then started westward and arrived in Salt Lake City in the fall of 1862. He at once found employment in the decorative work of the new theatre and has since found patronage among our citizens in many different departments of art.

At the various art exhibitions, the merits of Mr. Weggeland's works have always been conspicuous, making him the recipient of several gold and silver medals and diplomas. Until a few years ago, his works were chiefly confined to portraits in oil; but latterly a variety of subjects have shown a wide range of

ability and a high degree of excellence in each. Weggeland is a painter full of devotion to his art, and one whose skillful touch and grace of outline give life and vigor to all he undertakes.

It is probable that an adherence to one branch of art—either that of historical painting or *genre*—would have more fully developed his abilities; but the demands of a new country for pictures have not been sufficiently active to admit of such concentration. In technique, however, and in skill of application, Mr. Weggeland has no superior in the city. He knows well what combinations of colors will produce certain effects, and he applies them with a rapidity of touch that marks the man of experience.

John Tullidge was born April 17th, 1836, at Weymouth, a noted seaport on the southwest coast of England. Evincing at an early age a decided passion for art, his love of pictures was so great that he would frequently make the round of the picture shops of his native town, eager to contemplate the beautiful in whatever new production chanced to be on exhibition. Reared on the sea shore, his mind learned to appreciate nature in its sublimest phases, and the invigorating impulses thereby acquired have given him a degree of energy that has stood him in good stead in his later life. Mr. Tullidge is not only a good painter, but he is a man of æsthetic faculties and pure taste. To one in whom such qualities are inborn, the effects of early impressions found among the varying scenery of a fine sea shore are of lasting benefit. A crude and lowly mind may rarely, even in the experience of a lifetime, feel the exhilarating impulses of the grand old ocean and may look with apathy on its finest moods; but to the discriminating eye of a person of natural taste and refinement, the sea, in its every condition of calm or storm, has elements of beauty peculiarly its own. How then, must the mind of young Tullidge have been filled with delight at the changing splendors of Weymouth Bay—for it is said to be the second in the world for beauty, that of Naples being scarcely superior—when its waters were stirred by the approaching storms of the rough coast or lay sleeping in placid beauty under the misty light of a summer moon. His home was near the beach and in stormy seasons the surf rolled nightly with a roar that broke his slumbers; but in times of calm, the quiet grays of the shores and the misty atmospheric effects upon the ocean gave to him an equal interest.

As the result of these early impressions, Mr. Tullidge shows his greatest individuality in the treatment of subjects involving effects of waves or sky; and he excels in grays and in delicate atmospheres and distances.

George Martin Ottinger was born in Springfield, Montgomery County, Pennsylvania, February 8th, 1833. His early ancestors were German, and settled in America about 1740. Being industrious and enterprising, they soon acquired considerable property; but during the war for Independence, having espoused earnestly the cause of the colonies, they lost nearly all of it. Mr. Ottinger's father, however, came into the possession of a good farm, in the management of which he was very successful. In 1840, he was persuaded by an uncle to embark in merchandise, and to that end sold his farm, and removed to Bedford, Pennsylvania. For a few years the venture promised well, when suddenly certain speculations in which he had invested his property failed, and left him almost penni-

less. Young Ottinger was then thirteen years old, and cherished strongly the desire to become a painter. As far back in his boyhood as can be remembered, he kept a box of paints, and spent a great part of his leisure in drawing and painting. His relatives did not encourage him in the way of his inclinations, but permitted him to drift about without instruction or advice on the subject of art. His early education in other respects does not appear to have been neglected; for besides the training received at the district school of Bedford, he attended for nearly two years the Mechanic's Society School in New York City, and subsequently schools in Philadelphia.

At the time Mr. Ottinger was pursuing his studies in the Eastern States, considerable controversy existed among the painters, not only in America but in Europe.

The old canons of art were just falling into disuse, the academic rules imported by Trumbull, Allston and other artists of note in the present century were fast giving way to the precepts of the "realists" and "pre-Raphaelites." Ruskin's *Modern Painters* became the text-book for many, and was by them re-christened "The Painter's Bible." And with the revolution, painter as well as patron saw the necessity and justness of a change and an advance towards a school of painting distinctly American.

Determined not to be carried to extremes by either party's methods, Mr. Ottinger chose a middle course, knowing that there were good rules taught by all schools well worth studying—that by going to nature for inspiration, any rule or method that best aided the interpretation, come from what theory it might, was for the time correct. Using his own words: "I believe that if ever the American painters originate a distinct school of American Art, it will originate with those painters who are not influenced by any particular foreign academic teaching, and who are thoroughly eclectic in technique and composition. And individually I have gone further than this. When I first commenced painting, I grew tired of the repeated 'Evangelines,' 'Mary Stuarts' and 'Joan of Arcs' annually on exhibition. I wondered if there was any new field for the American painter to glean subject-matter, especially in his own country, that had not been painted to death: In Landscape? Yes; a superabundance. Of history? But little that was unpainted as far back as the discovery; but what was there beyond the advent of Columbus? Ah, here is a vast, almost unexplored vista, mysterious, new and picturesque! Old America with all her pre-historic treasures, a storehouse of material, that needed only study, time and patience to make interesting and of value; and in this direction my studies have been chiefly directed for years. But it is an 'uphill' work; the history of ancient America is not familiar to the public, and the people are slow to recognize or appreciate that of which they know nothing. Still I have letters of praise from artists and antiquarians of distinction, that lead me to hope that some day I may produce a picture worthy of being pronounced meritorious."

J. T. Harwood, of Lehi, Utah County, is esteemed as one of the most promising of our young native artists. He studied under Dan Weggeland; but is at present at the School of Design, San Francisco. His particular line so far has been in studies of "still life" and landscape; what his real line will be the

future will show; but there is no doubt of his talent as a natural artist, which culture will develop and tone.

Mr. John Hafen, another of our young local artists, has during the past five or six years, gradually risen in public appreciation for his many excellent crayon works. He has also painted landscapes; but his works in crayon portraiture mark his most successful and profitable line; his pictures adorn the homes of many of our leading citizens.

Loris Pratt, son of the late Orson Pratt, has chosen the sphere of a portrait painter proper, his works being executed in oil colors. A good portrait painter (and Mr. Pratt is considered to be one) is always to the public one of the most useful members of the profession, and one whose works from their very subject are endeared to the family circle, as they transmit, in some cases through many generations, the faces and characters of a family's love and pride. Already has Mr. Pratt painted such portraits, which live in the homes of our citizens and speak for the absent dead.

Mr. John W. Clawson is a young painter of considerable talent; his particular line is in the painting of portraits and figures. He excels in *pastelle*, but works cleverly and effectually in all media. The early germinations of his talent and instinc art induced his father to send him to a first class school of design in New Yor., at which he was under training for over a year, when he returned to Salt Lake City, established a permanent studio and is now practicing in the regular profession. One of his portraits is that of the late Hon. W. H. Hooper. John W. Clawson is the grandson of the late President Brigham Young, being the son of Hiram B. Clawson and Alice Young Clawson.

F. A. Billing, Esq., a local artist of some fame, and much ability, has produced most excellent works. Landscape is his specialty, and into it he throws a fire and vigor of handling, combined with such refinement as to place him in the ranks of the best painters on the coast.

One of the most recent to come into notice as an artist is Mr. H. L. A. Culmer, whose natural tastes and critical understanding of artistic requirements have together led him to take up the brush in this fascinating pursuit. Like most other artists of our city, the magnificence of our scenery has impelled him to landscape painting, in which department his works show much knowledge and refinement. His aim is the expression of truth and fidelity to nature, and he seems, so far, to have avoided sensationalism or vivid effects of color lest they draw him from the simple truth. How far he may be able to extend the compass of his works compatible with this aim, his development in the future will show; he has already carried his rock and mountain painting to a high standard.

With this brief notice, we give his following exquisite fragment of local art literature, descriptive of our "Desolate Shores."

DESOLATE SHORES.

A burning sun, high in heaven, flinging his fierce shafts upon a parched and fruitless earth; his rays reflected a hundred times from a broad watery expanse that gleams also upon the hot land; hills, white, rocky and bare; dismal hollows dotted with cedars—a few living weakly amidst a ghostly concourse of their dead fellows, whose stark and ashen limbs writhe grimly about their shattered trunks; a grimy beach, darkened with millions of decaying larvæ and strewn with clumsy crumbling boulders; the silence of a desert.

Such are the common aspects of the mountainous islands of the Great Salt Lake. They are elements of scenes fraught with melancholy, death and utter desolation. To wander along these dreary shores, silent and alone, is to commune with nature in her bitterest moods, and to hunger and thirst for the beauties she so lavishly displays elsewhere. There are surely no other places on the face of the earth so devoid of every charm, so totally lacking in human interest or association. The deserts of Asia and America have their histories—dreary enough, it is true, but yet associated with human experiences, even though they be of suffering and travail; but these wild and wind swept shores have risen from the surface of a bitter sea, and have never, till now, known the tread of human foot or sound of human voice.

Whosoever has desire to witness the earth's poverty and degradation, let him traverse these gray wastes one single summer's day, when all the outer world is smiling and fruitful, and let him contrast what meets his gaze with God's munificence in other places. Toiling wearily over rotten rocks, whose unshapely hulks have been scooped out and hollowed into a thousand caverns by centuries of salt sea winds, he will come at intervals upon ragged plains where the only plant that thrives is the thorny sage. He will see this straggling vegetation stretch from the hills down to the beach, growing among the crevices of the rocks even to the water's edge, and there, where the salt crusts upon its branches, he will see it set upon by swarms of great black spiders, who weave their nets of filmy white over it all, and lie in wait for the myraid gnats, their prey; and then he will be where the lazy surf flings feebly in its flakes of soiled foam, skimmed from distant shoals to be strewn along this dreary beach. From these sights he will turn with sinking heart and wander on his way, scorched with the blaze from sea and sky, impatient for relief, yet finding none. No grateful shade, no limpid spring, varies the hot march or offers chance to slake his burning thirst; a vast sea stretches to the horizon, mocking his desire, for he dare not lave in its depths, nor taste its poisonous waters. Lizards hasten across his path, and stay upon some rocky crest to watch him with their glittering eyes; mosquitoes swarm to his annoyance, and he hastens on to avoid the pains they would inflict. At last, weary and depressed, he may find a hollow in the hills of the wilderness, where a feeble spring of warm and brackish water seeps from the rocks, flows a few feet and sinks again in the thirsty soil. Here he will rest, despondent and alone, surrounded by the frail skeletons of coyotes less fortunate than he, that have wandered hither to perish when even this weak spring was dry.

Now what magic power shall compass these desolate shores to transform them into realms of beauty and delight? Naught but the power which can touch with omnipotent wand the bleak and barren sands and turn them into gold. That scene which at noon was drear, may become rich and glorious in the changing phases of the day. It is God's providence to bestow upon the desert in the evening a flood of radiant beauty, in compensation for the emptiness of mid-day. Trembling vapors which the hot sun has distilled, now hover over the land to catch the sunset hues, filling the shady hollows of the hills with purple and blue, and reddening the shafts of light that are cast upon the mountain tops. Low to the west, on the distant lake, lie streaks of amethyst and amber, through which the sun shall descend, alternately kindling these islands into a golden blaze, its flames vibrating on every twig and rocky edge; or immersing them in purple shadow, whose depths are yet again colored by reflected lights from rosy clouds that are scattered across the sky. Then, many a summer evening, the Wasatch Mountains, in compassion for the sterility of these shores, will send forth a company of water bearers to their relief; and these will come trooping overhead from the east, their breasts flushed with faint and opalescent tints that are soon to develop through a glorious scale of saffron, scarlet and crimson, and bathe with a ruddy glow the whole sea and sky and land. They cross the heavens a grand and thrilling spectacle, curtains of fire that flow towards the sun and droop to cover his face with a veil of scarlet and gold. Fold after fold passes rapidly onward, blotting out all the glory in the west, except a great red ball that slowly sinks through the gathering mist, and all grows gray. The color has faded from the heavens and gloom is settling over the land.

For a few minutes the peace and quiet of cool twilight is broken only by the sad cry of the moaning dove and a lazy lapping of the waves along the beach. Then, from far out at sea, comes a faint sound like the distant roar of a multitude of voices; it increases in depth and volume with every instant, and from the northwest there sweeps a wild blast that gathers up the sands of the beach and drives them whirling along the shore. The surface of the lake quivers for a moment, as though struck by a mighty hand, then sends a succession of swelling waves, that gather strength as they approach and break upon the land. Soon the white caps come rolling in from afar, running a mad race landward, bringing with them a flock of screaming gulls, white as the foam itself, and whose erratic flight carries them now through the hollow of a wave and now vaulting upwards to the skies. There is a grand commotion where the steep reefs extend out into the sea, for ponderous billows are rolling in upon them and crashing against their sides with a tumult that is deafening. The foam gleams pale in the gathering night, as the breakers

leap among the rocks; it streams down their drenched sides in a thousand tiny torrents, and mingles with the restless surf that booms in upon the beach in ever increasing strength and fury. And so the day closes among whistling winds and driving clouds along these bleak and desolate shores.

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Cyrus E. Dallin, a sculptor of more than local fame, was born of English parents, in the town of Springville, Utah County, Utah, on November 22d, 1861. At the age of eight he attended school, and at once showed a fondness for drawing in preference to any other branch of study. He was frequently reprimanded on account of the neglect of his routine lessons, preferring, as he did, the pastime of sketching on his slate. Until 1869, he kept up his habit of sketching any familiar or striking object, and without instruction, succeeded in impressing some of his friends with the idea that he had talent of an artistic nature.

In the summer of 1880 he, while working with his father, Thomas Dallin, in his mine at Tintic, Utah, was struck with the peculiar quality of some white clay which had been taken out of the shaft. Thinking it would prove a good material to model in, he set to work and made a bust of a man, half life-size. The work was, of course, very crude, but it attracted much notice from the miners. The interest attaching to this work induced him to make a companion piece, and he accordingly modeled a bust of a woman, from the same material. The growing interest manifested in these rough productions drew the attention of Mr. C. H. Blanchard, formerly of Boston, and he urged that the boy be sent East to study. Soon afterwards the good offices of Mr. Joab Lawrence were exerted in behalf of the young artist, and with the efforts of his father, the boy was sent to Boston in April, 1880.

In the summer of 1881 he engaged with Mr. S. H. Morse, of Boston, to assist in modeling figures for granite work. While with this gentleman, Mr. Dallin modeled the bust of Voltaire, a work which received much praise from the Boston papers, and the artists of that vicinity.

In October, 1882, he opened a studio in Boston, and among his productions at that time, was a very fine statuette of the celebrated comedian, William Warren. He sold several copies of this meritorious work, which were much admired.

He modeled a bust portrait of a little girl, which was highly praised, and exhibited in the Institute Fair in Boston, 1882. Then came his Paul Revere, which gave him much fame. There were ten competitors, and three prizes of three hundred dollars each, which were awarded to the best three of the number. Mr. Dallin won one of the prizes.

The models were placed in the exhibition of the Art Club, April, 1883. Afterwards they were submitted to a rigid investigation, and it was discovered that they were all historically incorrect. Revere, in each, had been represented as looking for the light, when it appears that the signal was not intended for him, and it is probable that he never saw it at all. As soon as this point was decided, Mr. Dallin called upon the committee to obtain permission to submit another model. It was granted, and simultaneously with one by the celebrated Boston sculptor, Mr. Thomas Ball, it was placed with the committee. Since then nothing definite has been heard from the committee, further than that they are waiting

the procurement of funds before making their decision. The second Revere model was shown at the art exhibition of 1883, and the critics had an opportunity to compare his work with that of the eminent sculptor, Ball. The press and the profession unite in awarding the palm to the young man, who, though comparatively unknown, had made an impression upon the art critics, which caused them to waver in their decisions. The final result of course, can not be foretold.

He modeled a portrait bust of a boy, which is a fine study, and is pronounced a perfect likeness. This was shown in the Cotemporary Art Exhibition, Boston, and it drew forth many flattering notices.

The bust of Oliver Wendell Holmes was then produced by Mr. Dallin, and from it he received much additional fame. Bostonians are unanimous in their praise of this piece of portrait modeling.

## CHAPTER LXXXVIII.

GENERAL HISTORY RESUMED. DEATH OF JUDGE McKEAN. MEMORIAL OF THE BAR ON THE EVENT. THE MILES CASE. D. H. WELLS SENT TO THE PENITENTIARY FOR CONTEMPT. GRAND DEMONSTRATION OF CITIZENS ON HIS RELEASE.

The social development of our city having been brought up with a brief review of those agencies of civilization—literature and the fine arts—which in modern history occupy a chief place, we resume the thread of the political and judicial record to the close of the year 1885.

From the death of President Brigham Young, August 29th 1877, to the death of ex-Chief Justice James B. McKean, Sunday morning, January 5th, 1879, at his residence in Salt Lake City, no event of marked historical importance had occurred, such as had characterized the preceding period when Judge McKean was upon the bench. His death called forth from the legal profession an eulogistic memorial to his memory. On the 10th of January, 1879, at one o'clock, P. M., the members of the Salt Lake bar assembled in the court room in this city, when a "memorial address," with resolutions which had been adopted by the bar, were presented to the court by R. N. Baskin, Esq., who said:

*May it please the Court:*

"Hon. James B. McKean, a former chief justice of this court and lately a member of this bar, having departed this life on the 5th of the present month, the members of the bar on the following day assembled at the court room, in this city, and in honor of our deceased brother's memory passed resolutions expressive of their esteem for him, their condolence for his family and their regret on account of his untimely and sudden demise.

"I have the honor of being deputed by that meeting to present these resolutions to this Honorable Court and move that they be entered in the journals."

They were as follows:

"*Resolved*, That in the death of Judge McKean the profession has lost one of its noblest and most honorable members, whose career in this Territory for the last nine years has won and has fully entitled him to the esteem and affection of the attorneys of Utah Territory.

"*Resolved*, That as Chief Justice of this Territory, he at all times possessed our fullest confidence as an honest, upright, courteous and impartial jurist, and as a practicing attorney he has but riveted the friendship and esteem which he had so well earned, while filling the responsible position of Chief Justice.

"*Resolved*, That we lament his death not only as a brother in our profession, but as a citizen of our common Territory, and as one to whom all classes might well have looked upon as the true type and model of a brave soldier, an accomplished lawyer, a brilliant orator, a thorough gentleman, an exalted patriot and an exemplary Christian.

"*Resolved*, That to the family of the deceased we tender our most sincere condolence and sympathy; and that while realizing as we do that our expressions of regret and condolence can but slightly alleviate their sense of inestimable loss, yet we hope it may be some satisfaction to them, that one so dear was esteemed and valued by his daily associates and friends, and that his death will be regretted by all.

"*Resolved*, That the secretary of this meeting be and is hereby authorized to present a copy of these resolutions to the family of our deceased friend.

"C. K. GILCHRIST,
"THOMAS MARSHALL,
"R. N. BASKIN,
"J. B. ROSBOROUGH,
"Z. SNOW,
"*Committee.*"

These resolutions were accompanied by an address from Mr. Baskin, thus closing:

"The history of Utah, which is yet to be written, will record the name of James B. McKean among the most upright judges and disinterested patriots, and the sculptured marble will be erected upon his resting place, by a grateful public, to perpetuate his memory and 'rehearse to the passing traveler his virtues.'"

Hon. Jacob S. Boreman, from the bench, addressed himself to the resolutions. His address was of the nature of a funeral sermon, extolling the Christian character of the departed, which he closed with the following touching passage:

"The familiar voice of our brother is hushed forever upon earth. It will never more cheer us here, in these halls or elsewhere. We shall never in this world again meet that cheery countenance, that happy face, nor clasp that warm right hand. But although his body is cold in the grave, he lives—lives where neither sorrow, nor tears nor death can enter, but where he can partake of joys unspeakable forevermore in the paradise of God. And on earth his memory lives

and will continue to live fresh and green in the innumerable hearts of those who revered and loved him in life, and now mourn his death. And although he is gone from us, never more to return, I can truthfully say of him, in the language of the Book of books, that 'he rests from his labors and his works do follow him.'"

On such an occasion, as the death of a man like Judge McKean, the pen of criticism may reserve itself in general silence.

In resuming, however, the thread of the history it must be noted that from the death of the ex-Chief Justice, the anti-Mormon action, which had for several years subsided, revived with all its former intensity.

First was presented the trial of Mr. George Reynolds on a case of polygamy which had been constructed by counsel for the purpose of obtaining a constitutional decision from the Supreme Court of the United States on the anti-polygamy act of 1862.

The next polygamy suit presented to the Third U. S. District Court for trial was the famous Miles' case, which though it possessed not the dignity of a test case and the constitutional consequence of that of Mr. Reynolds, afforded more local sensation. This the prosecuting attorney, with an aimed intent, succeeded in reaching through his examination of Daniel H. Wells, counsellor of the Church and ex-mayor of Salt Lake City.

President Wells being sworn as a witness, District Attorney Van Zile attempted to force from him, under the instruction of the court, a revelation of the dress and ceremony of the endowment house, or to bring him into contempt of court. The witness declined to describe the dress, and the prosecution insisting upon the answer, the court directed the clerk to enter an order compelling the witness to appear before the court to show cause why he should not be punished for contempt in refusing to answer the question. In the meantime he was remanded to the custody of the marshal.

On the next day President Wells was again questioned:

*Attorney Van Zile*—I want to know if it is usual for a candidate for marriage to wear a green apron in the endowment house?

*President Wells*—I declined to answer that question yesterday, and do so today, because I am under moral and sacred obligations to not answer, and it is interwoven in my character never to betray a friend, a brother, my country, my God or my religion.

The punishment for contempt was about to be enforced, when Judge Sutherland asked that the matter be postponed until seven o'clock, which request was granted; at which time the proceedings were resumed by President Wells filing the following affidavit:

"*In the Third Judicial District Court of Utah Territory.*
"The People vs. Daniel H. Wells.
"Salt Lake County—ss.

"Daniel H. Wells being duly sworn says: In respect to the charge of contempt now pending against me. for refusing to answer the two questions relating to the apron and slippers of persons going through the ceremony of the endowment house of the Mormon Church, I meant no disrespect to this court. I de-

clined wholly upon conscientious grounds. I was willing to testify to any material fact not covered by any previous obligation, and had I been interrogated while on the witness stand to elicit these facts I should have stated, and the truth is, that persons going through such ceremonies wear special garments, and these are precisely the same whether the wearer in the course of those ceremonies is united in marriage, plural or otherwise, or not, and those married are not distinguished by any difference of dress from those who do not enter into the marriage relation.

"DANIEL H. WELLS.

"Sworn to and subscribed before me this third day of May, 1879.

"C. S. HILL, Clerk,
"By B. P. HILL, Deputy Clerk."

An argument was made for the defense by Judge Sutherland; Van Zile waived further argument for the prosecution, and Judge Emerson, deciding, ordered that the defendant pay a fine of one hundred dollars and be confined for a period of two days. A short time after the decision was rendered Marshal Shaughnessy took his prisoner to the penitentiary.

This was the second time that President Wells was a prisoner, first, as will be remembered, at Camp Douglas, when as mayor he gave himself up for the safety of the city, and now at the penitentiary for refusing to disclose the affairs of the endowment house. In the latter case the public enthusiasm over his conduct was swelled into a grand ovation of citizens from all parts of the Territory to his honor.

A special meeting of the city council was called relative to the occasion and the following preamble and resolutions were adopted:

"PREAMBLE AND RESOLUTIONS.

"*Whereas*, Our much respected friend and fellow-citizen, Hon. Daniel H. Wells, ex-mayor of Salt Lake City, is at present suffering what we deem to be an unjust imprisonment, in the Territorial penitentiary, under the order of the acting judge of the Third Judicial District Court of this Territory, for alleged contempt of court in refusing to answer questions which would violate what he esteemed to be sacred obligations, as set forth in his affidavit filed with said court, May 3d, 1879; and

"*Whereas*, We further approve of his declarations, 'I am under moral and sacred obligations to not answer; and it is interwoven in my character, never to betray a friend, a brother, my country, my religion or my God;" and honoring his determination rather to suffer imprisonment than to do violence to sacred principles,

"*Therefore be it resolved by the City Council of Salt Lake City*, That, to manifest our sympathy, respect and honor for the man who would sooner suffer wrong than do wrong, we proceed in a body to meet him upon his liberation from custody and escort him back to his home and the society of his family and friends.

"*And be it further resolved*, That we invite all citizens sympathizing in the movement, to participate in this demonstration of respect.

"Upon motion, the preamble and resolutions were unanimously adopted.

"FERAMORZ LITTLE, *Mayor*."

The council then appointed the necessary committees on behalf of the council, to be associated with the citizens' committees in making the necessary arrangements for carrying into effect the great popular demonstration.

The following order of procession was issued: "Captain Burt, marshal of the day; band; President Taylor and escort; Territorial, county and city officers; mayors and city councils from various places, and invited guests; representatives of the press; Salt Lake fire brigade; band; relief societies with banners; band; mutual improvement and retrenchment associations with banners; band; seventies; high priests; elders; bishops and lesser priesthood with banners; band; Scandinavians and German citizens with banners; band; general citizens on foot and on horseback.

"Instructions: The bishops of all the wards are requested to organize their respective quorums, societies, associations and Sunday schools, and report to the marshal at 9:30 A. M. on East Temple Street.

"The First, Second, Third, Eighth and Ninth wards, on the east side of said street, between Fifth and Sixth South Streets.

"The Tenth, Eleventh, Twelfth and Thirteenth wards, on the east side of said street, between Fourth and Fifth South Streets.

"The Eighteenth, Twentieth, and Twenty-First wards, on the east side of said street, between Third and Fourth South Streets.

"The Fourth, Fifth, Sixth and Seventh wards, on the west side of said street, between Fifth and Sixth South Streets.

"The Seventeenth, Fourteenth and Fifteenth wards, on the west side of said street, between Fourth and Fifth South Streets.

"The Sixteenth and Nineteenth wards, on the west side of said street, between Third and Fourth South Streets.

"The several organizations will then concentrate, and the marshal will assign them positions in the procession."

The next morning's issue of the Salt Lake *Tribune* said:

"The streets of this city yesterday from nine o'clock in the morning until late in the day, presented a sight seldom, if ever witnessed before. Never has such a crowd thronged the streets, nor such a cavalcade of human beings and brutes, in point of numbers, promiscuousness and motley confusion, been witnessed before, as that presented on our public streets on the occasion of the triumphal entry into town from the penitentiary of Daniel H. Wells, first counsellor in the Mormon Church. So far as concerns the magnitude in a numerical point of view of this demonstration, not even the event of the death and funeral of Brigham Young could at all rival it. Hundreds of poor dupes were forwarded by all the trains centering in this city, to participate in a celebration, which in spirit and substance, was designed as a public defiance of the national judicial authorities. The flag of our country was ruthlessly profaned by association with banners, upon which were inscribed incendiary mottoes and devices. The immense procession as it moved up Main Street, presented a spectacle which should have roused the patriotic heart to indignation, had its supreme ridiculousness not been so apparent."

The *Salt Lake Herald* said: "The demonstration was one of the most remarkable that has ever taken place in this or any other country or age. It is estimated

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that not less than ten thousand persons were in the procession, while more than that number lined the streets on either side from the Tabernacle to the suburbs. And yet there was no disorder, no accident, no brawling, nothing that indicated any other than the happiest peace. The brief addresses contained no incendiary word, and implied no offensive sentiment. We question if the world has ever before seen an impromptu demonstration of this magnitude, and this character, where nothing was said or done that could be found fault with, or which gave no occasion for alarm. It is easy to understand how such a multitude assembled on such an occasion, could become excited and lose its power of reasoning, but it is not plain how it could be so readily gathered, with so little apparant effort, kept in such orderly and happy control, and dispersed so quickly without harm being done, accident occurring, or unpleasantness being occasioned.

"The demonstration of May 6th, 1879, in honor of one who was regarded by the people as having been made to suffer unlawfully, to gratify the malicious spite of officials, will long be remembered in this Territory."

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## CHAPTER LXXXIX.

RENEWAL OF THE POLITICAL ACTION. FORESHADOWING THE EDMUNDS BILL IN HAYES' MESSAGE. GOVERNOR MURRAY GIVES THE ELECTION CERTIFICATE TO CAMPBELL. CONTEST FOR THE DELEGATE'S SEAT. GREAT SPEECH OF CANNON ON HIS RETIREMENT FROM CONGRESS.

In the fall of 1880, the political action of Utah was renewed; and Salt Lake City, which for several years had witnessed no contests at elections, either municipal or Territorial, was awakened to a new campaign by the loud calls of the leaders of the Liberal party.

After repeated defeats in the contests for delegates to Congress, with Maxwell contestant against Hooper, and Baskin against Cannon, the Utah Liberal party languished notwithstanding the great increase of the Gentile population.

Such was the condition of this party for several years, but in 1880, as the time drew nigh for the election of delegate to Congress, the Liberals throughout the Territory were moved with a common desire to resuscitate their organization and once more open the contest with the People's party. A new standard bearer was needed to be chosen to rally the Liberal party for the irrepressible conflict. Even Mr. Baskin, the last contestant, felt this need, and though his personal record was acceptable to his party, he knew it was quite useless for him to again contest the seat with Cannon. There were other strong men of the bar, such as Judge McBride, quite capable of assuming a political leadership, but the common judgment of the time, among the leaders of the Liberal party, was that they needed for the revival of their cause a man of considerable strength of character who represented the mining interest, and who could, without a dissenting voice,

unite the mining constituents throughout the Territory. In this view of the case Allen G. Campbell stood head and shoulders above all other men, and before they met in caucus for the nomination it was known among the leaders that the "Campbells were coming."

The night of the nomination came and the Liberal Institute was crowded with those in sympathy with the cause of the Liberal party. For years there had not been such an enthusiastic gathering of that party, and evidently the enthusiasm was generated by the conviction that the fitting man was found to bear the standard of that cause, not only in the contest at home, but one who would fight it out in Washington to the last syllable of his term. In keeping with this feeling the brass band from Fort Douglas was there to give a martial swell to the occasion of the revival of the war between the two powers. The strongest men of the party were on the platform, and delivered stirring speeches, among whom were Judges McBride, Hagan, and the former contestant, Baskin; while from the body of the hall, upon loud calls, Governor Murray, in a short ringing speech, gave a bold declaration of war between "the American Republic and the Mormon Polygamic Theocracy." Such was the wording by all the speakers. None of them pretended that it was a mere political fight. Judge Hagan indeed, dwelt upon it as the "irrepressible conflict," in the same sense as it was once understood as existing between the North and the South, and while affirming that it must be fought out to the bitter end, he admitted that the prospects then were that years might elapse ere the Liberal party would win the day. The name of Allen G. Campbell was announced amid acclamations as the man for the times, and on the rest for committee business, Maxwell called for the Fort Douglas band to play "The Campbells are coming," and the band struck up the theme, accompanied with vociferous cheering by the audience.

Mr. Campbell was in New York when he received the nomination. As he was returning to Utah he met Mr. Cullen at Chicago, who told him of the nomination, whereupon he communicated his acceptance to the central committee of the Utah Liberal party.

Utah affairs were about to be brought before Congress and the country by new and surprising methods; and, though the measure had not then been divulged to the public, the Edmunds Bill had doubtless already been conceived, and the political *coup d' etat* of giving to Mr. Campbell the certificate of the election was constructed as the initial move upon the board.

There were more than the leaders of the Utah Liberal party working on this plan. Senator Edmunds and other principal statesmen of the republican party were, probably, well advised of the design and engaged in shaping the action in Congress upon this very contest of Cannon and Campbell.

The first indication given to the country of the "new departure" on Utah affairs in Congress was in the message of President Hayes, delivered in December 1879, in which he said:

"The continued deliberate violation by a large number of the prominent and influential citizens of the Territory of Utah of the laws of the United States for the prosecution and punishment of polygamy, demands the attention of every

department of the Government. This Territory has a population sufficient to entitle it to admission as a State, and the general interest of the Nation, as well as the welfare of the citizens of the Territory, require its advance from the Territorial form of government to the responsibility and privileges of a State. This important change will, however, never be approved by the country, while the citizens of Utah, in very considerable number, uphold a practice which is condemned as a crime by the laws of all civilized communities throughout the world. The law for the suppression of the offense was enacted with great unanimity by Congress more than seventeen years ago, but has remained until recently a dead letter in the Territory of Utah, because of the peculiar difficulties attending its enforcement. The opinion widely prevailed among the citizens of Utah that the law was in contravention of the constitutional guarantee of religious freedom. This objection is now removed. The Supreme Court of the United States has decided the law to be within the legislative power of Congress, and binding as a rule of action on all who reside within the Territories. There is no longer any reason for delay or hesitation in its enforcement. It should be firmly and effectively executed. If not sufficiently stringent in its provisions, it should be amended, and, in aid of the purpose in view, I recommend that more comprehensive and searching methods for preventing, as well as punishing, this crime be provided. If necessary to secure obedience to the law, the enjoyment and exercise of the rights and privileges of citizenship in the Territories of the United States, may be withheld or withdrawn from those who violate or oppose the enforcement of the law on this subject."

Evidently the foregoing utterance of President Hayes, in his last message to Congress, was in anticipation of some such a measure as that of the Edmunds Bill, the appointment of the Utah Commission, the disfranchisement of polygamists and the final design of of taking all political power out of the hands of the Mormon leaders, to be followed by the admission of Utah as a State.

In this view, the great contest between Allen G. Campbell and George Q. Cannon forms one of the principal chapters in the political history of our Territory. Judge McBride conducted the legal action of the case for his client, Campbell; and the following protest was the initial of the contest after the election:

To His Excellency ELI H. MURRAY,
*Governor of the Territory of Utah:*

The time will soon arrive for the final canvass, under your supervision, of the returns of votes given at the late election for delegate to Congress from this Territory.

I am not ignorant of what the public generally know in respect to the voting at this election and its supposed result. On the surface the returns will not show, probably, that a majority of the votes actually cast were given for me. But if it be true, as I insist it is, that all the votes not polled in my favor are legally blank, then I owe it to those who placed me in nomination, and by a still greater obligation to the whole community, in the interest of good government to protest, and I do protest, against the counting of any votes for George Q. Cannon.

The performance of this duty, however, would be productive of no result except to mortify and disgust legal voters whose choice is nullified, unless there is a power conferred on you to so conduct this canvass that legal voters shall only be included.

If it were a matter of indifference whether the names voted for as candidates represented actual persons or mere mythical characters, persons qualified or persons ineligible; if it were immaterial to dis-

criminate between votes given by those entitled to exercise the elective franchise and those given by persons whom the law excludes on the ground of sex, minority, or alienage from the privilege of voting, then a mere count of votes, and comparison of aggregates, would decide to whom your certificate of election should be given. It is not, however, consonant to the American theory of popular elections to office to ignore such disqualifications, nor to confer such limited powers upon those charged with the duty to ascertain the result, that there can be no elimination of votes illegally received.

It cannot be said that the laws have so imperfectly guarded the ballot box and provided for pure and regular elections that if illegal votes are once received, by some error of judgment or failure of duty by officers registering voters or having the immediate control of election, the wrong is forever incapable of rectification.

No remedy is adequate or effective in respect to offices for short terms which does not administer the corrective during the canvass, for before any other remedy can be sought and applied, the motive to pursue it ceases by the expiration of the term; the wrong prospers and the authors are thereby encouraged to repeat it, and generally do.

This subject has such local importance that I venture some suggestions in support of your powers in the premises, at the risk of incurring your criticism for assuming to defend the executive jurisdiction.

Section 25 of the Utah Compiled Laws provides: 'That so soon as all the returns are received, the secretary, in the presence of the governor, shall unseal and examine them, and furnish to each person having the highest number of votes for any Territorial office a certificate of his election.' The returns here spoken of are: A brief abstract of the offices and names voted for and the number of votes each person receives.

By sections 23 and 24 it will be observed that the duty imposed by section 25 is to give the certificate to the person having the highest number of votes, and that it is not required by the terms of that section that the highest number of votes shall be determined from the returns. The duty to examine the returns, and that to give a certificate, are successive and distinct duties. The returns from certain counties, or the vote of certain precincts, may have to be rejected, for causes apparent on the face of the returns, or other evidence may afford grounds for such rejection.

The direction to you and the secretary as final canvassers is to issue the certificate to the person having the highest number of votes, not to him appearing by the returns to have the highest number; therefore, since the mode of ascertaining the important fact is not prescribed, and since on general principles, when a general duty is required to be performed, there is conferred by necessary implication the incidental power to adopt any suitable means necessary to the doing of that duty, evidence may be received in connection with the returns, to assist in coming to a correct conclusion. This construction of the statute harmonizes your functions in respect to this office with those of similar offices generally.

In Cushing's Law and Practice of Legislative assemblies, page 52, the author quotes from another; 'There can be no doubt that in those branches wherein the law has marked out a definite line it is ministerial but as regards the two material branches of deciding upon the capacity or incapacity of candidates, or upon the qualifications or disqualifications of electors, the subject requires some investigation; but if the returning officer (you are clearly one) be fully apprised of some notorious disqualification, whether of a candidate or of an elector, such as their being minors, or claiming in the right of property, which clearly does not entitle them to the privilege, he is so far a judicial officer as to prevent their voting or being returned.' and the author adds: 'In judicial decisions of this country, when the point is adverted to, it seems to be considered that the functions of returning officers are chiefly judicial in their character.'

If so, it follows, of course, in the absence of a legislative rule to the contrary, that you are to act upon evidence, and on any evidence which applies to the subject and would be competent before any other judicial tribunal having the same question to decide.

I shall, in accordance with these views, address this my protest to you as a quasi-judicial officer, protest against the issue of any certificate of election to George Q. Cannon, and I demand the issue of one to myself, because he has not, and I have, the highest number of votes for the office of delegate to Congress of the United States, on the following grounds:

First. It will appear by the returns to the secretary that 1,357 votes were given for me for said office, and there is no evidence tending to gainsay my qualifications for the office, or those of the electors voting for me.

Second. George Q. Cannon is an unnaturalized alien. Being such, he is not eligible to the office; all the votes given for him are void. I quote from the author before referred to: "If an election is made of a person who is ineligible, that is, incapable of being elected, the election of such person is absolutely void, even though he is voted for at the same time with others who are eligible, and who are ac-

cordingly elected and this is equally true whether the disablity is known to the elector or not; whether a majority of all the votes, or a plurality only, is necessary to the election, and whether the votes are given orally or by ballot." (Id., p. 66.) According to this author and the authorities which he cites, it is the law in this country, and also in England, that not only will the election of a disqualified person be held as void but if such election takes place after notice of the disqualification is given to the electors, the candidate having the nex t highest number of votes will be elected. (Id., pp. 66, 67.)

Notice of Mr. Cannon's disqualification has been very thoroughly published in this Territory before the election.

This legal objection of alienage derives great force from the political and moral aspect of his life and conduct. George Q. Cannon is a polygamist, having lived for many years and is still living with four women as wives, in violation of the law. He openly advocates polygamy in his public addresses in Utah, and thus incites others to break the law enacted by Congress on that subject in harmony with the moral sentiment of the civilized world.

Not only is he not naturalized, but he is not qualified to be naturalized; without thorough reconstruction he could not be proven to be a man of good moral character, nor could he, while in his present criminal contumacy, sincerely make oath that he is "attached to the Constitution of the United States and well disposed to the good order and happiness of the same."

Third. Under void legislation of this Territory, females have voted in large numbers; they are partisans of said Cannon, and it must be taken for granted that they voted for him at the last election. Calculating the present number of votes in this Territory by adding to the vote given six years ago (about 27,000) according to the ratio of popular increase from 1870 to 1880, as shown by the census returns, there were at least 40,000 *de facto* voters in the Territory when the last election took place. The entire vote polled at this election, including the votes of females, was less than 20,000; therefore, at least 20,000 voters stayed at home, and less than half the total vote was actually polled and returned.

The females in this Territory claiming the right to vote outnumber the males having that right; the poll lists show also that they outstrip the males in voting. Thus it will be seen that there are more females in this Territory claiming the right to vote than the whole number of votes polled at the late election. As these votes are illegal, how can you avoid the conclusion that they have vitiated the election by rendering it impossible to determine without proof that the pretended majority reported for Mr. Cannon does not consist of such votes. The fact that there was such an enormous illegal vote known as certain to be polled, will account for the absence of so many legal voters from the polls.

That the act of the Territorial Legislature purporting to establish female suffrage is void, is now generally conceded. It is so because it attempts to confer the privilege by a special act on different and easier terms of qualification than those required by existing general law applicable to the other sex, thus violating the rule of uniformity.

In conclusion, be it understood that I protest against the issuance of any certificate to George Q. Cannon as the substantive matter and purpose of this paper; and it seems clear beyond all controversy that if he is not qualified to hold the office, that no majority of legal votes can be said to have been given for him, that it is within your power for these causes to withhold the certificate of election.

On reaching this conclusion as a secondary matter, I trust you will find it consistent with your views and in the line of your duty to hold that the votes given for me entitle me to the certificate.

With great respect I have the honor to be, your obedient servant,

ALLEN G. CAMPBELL.

Frisco, December 12, 1880.

A copy of this protest was sent to Mr. Cannon, who filed an answer to its allegations, and then controverted most of the facts stated (except the charge that he was a polygamist), and also contesting the positions of law assumed by Mr. Campbell.

On the issues thus made before the Governor, the two contestants for the certificate of election appeared before that functionary on the 7th day of January, 1881, and the questions involved were fully argued by the counsel for each.

On the 8th of January, 1881, the Governor made a decision in writing, which was filed in the secretary's office, and issued a certificate of election to Allen G. Campbell, as the delegate elected to the House of Representatives for the

Forty-seventh Congress, and it was delivered to Mr. Campbell. In February following this certificate was filed in the office of the clerk of the House of Representatives at Washington.

About the same time Mr. Cannon brought an action in the United States District Court, Salt Lake County, Utah, praying for a writ of mandamus to compel the acting governor to issue a certificate of election to him as delegate, basing his suit upon the position that in granting the certificate the governor was only performing a ministerial duty, and was not permitted to pass upon the returns of the election, or the eligibility of the candidates, or any questions of the kind.

The case was elaborately argued on the return to the writ, and the court dismissed the application, holding that the governor had a discretion in issuing the certificate and was not, in determining the result, confined to the returns of the county officers.

Next followed the governor's justification and issuance of the certificate to Allen G. Campbell:

The record of the court is the only means of ascertaining its judgments and orders. The clerk's certificate of the judgments and orders of a competent court, and not his individual statements without seal, is the only guide in all cases, and therefore must be in this case. The records of the court fail to make Mr. Cannon a citizen, and he as I, must stand by the record. Mr. Cannon, under any other circumstances might, perhaps, acquire citizenship by the time his term of office commences, but it is charged in Mr. Campbell's protest, and not denied in Mr. Cannon's answer, that he is living in polygamy, a violation of the act of Congress of 1862, making it a crime. This being the case he is not "well disposed towards the government of the United States." Therefore he cannot, in good faith, take the oath of naturalization, and the courts of this Territory uniformly enforce this rule. The House of Representatives, Congressional record, June 16, 1884, page 5 046, affirmed the same principle in House bill 3,679, providing that delegates in Congress should be twenty-five years of age, seven years a citizen, and an inhabitant of such Territory, "and no such person who is guilty of bigamy or polygamy shall be eligible to a seat as such delegate."

It having been shown that Mr. Cannon is not a citizen, and that he is incapable of becoming a citizen I cannot, under the law certify that he is "duly elected," and Mr. Campbell having received the greatest number of votes cast for any citizen was therefore duly elected and must receive the certificate accordingly.

I am aware that my action on this question is not final. The house is the judge of the qualifications and election of its members, but in the discharge of my sworn duty under the law to give the certificate to the person duly elected, I cannot do otherwise than give it to Allen G. Campbell.

ELI H. MURRAY.

*Certificate of election issued to Allen G. Campbell, Delegate to the Forty-seventh Congress.*

UNITED STATES OF AMERICA,
*Territory of Utah, Executive Office—ss.*

I, Eli H. Murray, governor of the Territory of Utah, do declare and certify that at a regular election for delegate to the Forty-seventh Congress, held in said Territory on the first Tuesday after the first Monday in November, A. D. 1880, returns whereof were opened in my presence by the secretary of the Territory, Allen G. Campbell was the person being a citizen of the United States, having the greatest number of votes, and was therefore duly elected as delegate from said Territory to said Congress, and I do give this certificate accordingly.

In testimony whereof, I have hereunto set my hand and caused the great seal of the Territory to be affixed. Done at Salt Lake City this 8th day of January, A. D. 1881.

[L. S.] ELI H. MURRAY, *Governor*,

By the Governor:
ARTHUR L. THOMAS,
*Secretary of Utah Territory.*

TERRITORY OF UTAH,
*Secretary's Office—ss*:

I, Arthur L. Thomas, secretary of the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of the "decision of the governor in the matter of issuing a certificate to the person duly elected delegate to the Forty-seventh Congress," and of the "certificate of election issued to Allen G. Campbell, delegate to the Forty-seventh Congress," as appears of record in my office.

Attest my hand and the great seal of the Territory of Utah, this 10th day of February, A. D. 1881.

[L. S.] ARTHUR L. THOMAS,
*Secretary of Utah Territory.*

## CREDENTIALS OF HON. A. G CAMPBELL.

UNITED STATES OF AMERICA,
*Territory of Utah, Executive Office—ss.*

I, Eli H. Murray, governor of the Territory of Utah, do declare and certify that at a regular election for delegate to the Forty-seventh Congress, held in said Territory on the first Tuesday after the first Monday in November, A. D. 1880, to-wit, the 2d day of November, 1880, returns whereof were opened in my presence by the secretary of the Territory, Allen G. Campbell was the person, being a citizen of the United States, over the age of twenty-one years, having the greatest number of votes, and was, therefore, duly elected as delegate from said Territory to said Congress, and I do give this certificate accordingly.

In testimony whereof, I have hereunto set my hand and caused the great seal of the Territory to be affixed.

Done at Salt Lake City this eighth day of January, A. D. 1881.

[SEAL.] ELI H. MURRAY, *Governor.*

By the Governor:

ARTHUR L. THOMAS, *Secretary of Utah Territory.*"

## NOTICE OF CONTEST.

"WASHINGTON, D. C., January 20th, 1881.

"ALLEN G. CAMPBELL, ESQ.:

"*Sir:* I have the honor to notify you that I shall contest your right to hold a seat in the House of Representatives of the 47th Congress of the United States, as Delegate from the Territory of Utah, and also your right either to be sworn or enrolled, or to hold a certificate of election as such Delegate, on the following grounds:

"1. That the returns of the election of Delegate to the 47th Congress of the United States, held on the 2d day of November, 1880, in the several counties of the Territory of Utah, which were prepared and forwarded to the Secretary of the Territory, under sections (23) and (24) of the Compiled Laws of the Territory of Utah, copies of which returns marked respectively, A, B, C, D. etc., are hereto annexed, showed, as the fact was, that 18,568 votes were legally cast for me at said election, that only 1,357 votes were cast for you, and that only 8 votes were cast for all other candidates, and that I was therefore legally elected to said office of Delegate from the Territory of Utah in the 47th Congress, and was also entitled to receive the certificate of election, and to be enrolled and sworn as such Delegate.

"2. That said returns showed, as the fact was, that you received less than one-thirteenth of the votes legally cast at said election, and therefore were not entitled to hold the said office of Delegate from the Territory of Utah in the 47th Congress, or to be enrolled or sworn as such Delegate, or to receive the certificate of election to said office.

"3. That the action of the Governor of the Territory of Utah, in withholding the certificate of election from me, and giving it to you, was illegal and fraudulent.

"Very respectfully,
"GEO. Q. CANNON."

**The continuation of the history of this famous suit is from Mr. Campbell's claim submitted to the Forty-seventh Congress of the United States. Mr. Campbell filed his answer to Mr. Cannon's contest. The answer was as follows:**

"SALT LAKE CITY, UTAH, February 26th, 1881.

"GEO. Q. CANNON, ESQ.:

"*Sir:* To your notice of January 20th, 1881, served on me on the 4th day of the present month,

to the effect that you will contest my right to hold a seat in the House of Representatives of the Forty-seventh Congress of the United States, as Delegate from the Territory of Utah, etc., I have the honor to answer in respect to the facts alleged by you, and to state the grounds on which I rest the validity of my election as follows:

"1. I admit that the returns of the election of Delegate to the Forty-seventh Congress of the United States, held on the 2d day of November, 1881, in the several counties of the Territory of Utah, were made to the Secretary of said Territory, of which copies are annexed to your notice and referred to therein as marked A, B, C, D, etc. But I deny that said returns showed, or that the fact was, that 18,568 votes were legally cast for you at said election, or that you were legally or otherwise elected to said office of Delegate from the Territory of Utah in the Forty-seventh Congress, or entitled to receive the certificate of election, or to be enrolled, sworn, or otherwise in any manner recognized as such Delegate. I deny that said returns showed, or that the fact was, that I received less than one-thirteenth of the votes legally cast at said election, or that I was not entitled to hold the said office of Delegate from the Territory of Utah in the Forty-seventh Congress, or to be enrolled and sworn as such Delegate, or to receive the certificate of election to said office.

"I deny that the action of the Governor of the Territory of Utah in withholding the certificate of election from you and in giving it to me, was illegal or fraudulent.

"And I allege as the grounds of the foregoing denial and of my claim that my election was valid, as follows:

"1. No statute, Federal or Territorial, required or authorized said returns of said election to be placed before the Governor of said Territory; or authorized or required him to open or inspect said returns as the whole or any part of the evidence on which he was required to determine the result of said election, and this state of the law has been judicially declared in said Territory.

"2. Said returns do not disclose the names, sex or qualifications of the voters whose votes are therein aggregatedly stated.

"3. A large number of the voters who voted for you were females, and therefore not qualified to vote for members of the Legislative Assembly in said Territory, and consequently not qualified to vote for Delegate to Congress at said election. The number of such illegal votes can only be estimated, but such votes were given in all the counties in relatively large numbers, and are an undistinguishable part of the votes mentioned in each of said returns.

"4. You were not at the date of said election eligible or qualified, nor capable of being made eligible or qualified to be elected to, or to serve in, said office of Delegate, because you were born a subject of Great Britain, and have never been naturalized as a citizen of the United States; you are not a man of good moral character; you are not attached to the principles of the Constitution of the United States, nor well disposed to the good order and happiness of the same; you have been for many years a polygamist, living and cohabiting with four women as wives, to whom you have joined yourself by a pretended ceremony of marriage; you do not loyally yield assent and obedience to the act of Congress against polygamy in the Territories; you have for many years last past publicly endeavored to incite others to violate that statute in the Territory of Utah—therefore all the votes given for you at said election are void.

"5. At the time of said election on the second day of November, 1881, you were known throughout the Territory of Utah to be an alien and not eligible to said office of Delegate. All the persons voting for you were aware, and had full notice, that you were an alien, unnaturalized, and disqualified to hold any office under the laws of the United States, or of any of the Territories thereof.

"6. I am a native born citizen of the United States and qualified by age and residence in said Territory to be elected at said election to said office of Delegate to the House of Representatives of the Forty-seventh Congress of the United States, and besides eight scattering votes cast at said election, I received all the legal votes given at said election for said office of Delegate in the Forty-seventh Congress from the Territory of Utah; that on the 8th day of January, 1881, the Governor of said Territory, in pursuance of the statute in such cases made and provided, and in the due and regular exercise of the power in him vested, did declare and certify under his hand and the great seal of said Territory, that I was the person having the greatest number of votes, and therefore duly elected as Delegate from said Territory to said Congress.

"Respectfully Yours,

"A. G. CAMPBELL."

"I hereby admit service of the within and foregoing notice to me directed by a copy delivered to me personally at Washington, this the fifth day of March, A. D. 1881.

"GEO. Q CANNON."

On a suit instituted before Chief Justice Hunter, at Salt Lake City, on the 8th day of June, 1881, in the name of the "United States *ex rel.* Allen G. Campbell *vs.* George Q. Cannon," that court pronounced its judgment as follows:

"*In the District Court for the Third Judicial District of Utah Territory.*

"THE UNITED STATES on the relation of ALLEN G. CAMPBELL, *Plaintiff*, vs. GEORGE Q. CANNON, *Defendant.*

"COMPLAINT TO ANNUL A CERTIFICATE HELD BY DEFENDANT AND USED BY HIM AS A CERTIFICATE OF NATURALIZATION.

"The demurrer of the defendant to the complaint filed in this action having been heretofore argued by counsel for the respective parties, and taken under advisement; and the court having duly considered the same; and it appearing to the court that the Attorney-General of the United States should file complaint in behalf of the Government in such cases; and that from the facts stated in the complaint, which are admitted by defendant's demurrer, that there is no record of defendant's naturalization, and that no proceeding for that purpose ever took place in court, and that the certificate held by defendant as a certificate of naturalization was obtained by fraud and has been fraudulently used, and is void on its face in not professing to be the copy of a record and not certifying a regular naturalization, and therefore that there is no sufficient cause shown for annulling it, it is ordered that the said demurrer be and the same is hereby sustained, and that the complaint be and is hereby dismissed.

"JOHN A. HUNTER. *Judge.*

"Attest, October 31st, 1881.
"H. G. MCMILLAN, *Deputy Clerk.*
[SEAL.]
"Filed October 31, 1881."

Notwithstanding that Mr. Campbell did not obtain the seat in Congress, which was scarcely expected either by himself or his political friends, the Utah Liberal party considered that he won for it a great triumph in Congress, and on his return he was received as a victor, not a defeated candidate.

The following review of the case from Hon. George Q. Cannon's great speech, delivered to the House of Representatives on his retirement from Congress after the passage of the Edmunds Bill, is the other half of this remarkable chapter of our Territory:

"On the 2d day of November, 1880, in a convention of delegates from all parts of the Territory of Utah, I received, on my part, the unanimous nomination for delegate to this House. Notwithstanding all that has been said about church and state, I assert here that there is no place in the United States where there is greater freedom and greater liberty for the expression of opinions by the people respecting the men whom they wish to serve them, than there is in the Territory of Utah. Our political organization is entirely distinct from our church organization. It is true that the members of the church are members of the political party, because they are all—that is, the great bulk of the people, now numbering over 120,000 according to the last census—members of that church. We have no salaried ministers. Every man is a preacher who is a reputable man among us. From the midst of the congregation men are called to preach, very frequently without any previous notice. All the males over twenty-one years of age of good repute hold office in the church. It is this, and this alone, which can give any color to the statements that there is a connection between church and state.

"Now, I wish to say here, though I have had probably as much influence in

political matters as most of the men in the Territory of Utah, occupying as I do a position of confidence among the people, I can state on my honor that beyond the expression of an opinion as a citizen when asked, at no time and under no circumstances have I endeavored to influence any man or any body of men in the Territory of Utah respecting the selection of any one they had in view for office. I have not myself used any influence of that kind that could possibly be called by any one improper. When I speak this of myself of course I speak of my own personal knowledge. But I think I can say the same for the rest of the leading men of Utah. Whatever influence they have used has been always to have the people select and vote for men who would worthily fill the offices. Knowing the jealousy there is abroad respecting this matter, there is the greatest care exercised so as to prevent anything from occurring which would give color to the prejudice existing upon this point; yet of course where men have influence, if their opinions are asked their views will always have considerable weight.

"All the forms of political procedure prevail in Utah as in other Territories and in the States. The people hold their primary meetings, elect delegates, and those delegates meet in convention, sometimes instructed whom they are to vote for and sometimes not, and every delegate has the right to express his views in favor of or against any candidate, and to vote for whom he pleases, and as the secret ballot prevails in Utah there can possibly be no interference on the part of any one to prevent citizens from expressing their unbiased choice for any candidate. It was a convention of this kind, composed of delegates from all parts of the Territory, which nominated me as Delegate to Congress. I had given my friends to understand that I was not a candidate, and done so upon every previous occasion when I had been nominated; for you know, gentlemen, the position I have occupied here now for nine years is one which no one capable of filling the place would desire to occupy. It is not pleasant to be made a target for every man who wishes to gain credit for his morality to aim arrows at. In coming here, however, I have been sustained by the consciousness that I was at a post of duty where it was necessary for some one to represent the people and that I had the sole support of my constituents. It was the unanimous feeling of the delegates coming from all parts of the Territory that I should be nominated, and I received their unanimous vote. At that time I was occupying the position of Delegate to Congress. No question as to my eligibility had risen or could arise; my constituents had the best of evidence in their possession that I was eligible from the fact that I was at that time a Delegate in good standing in this House with an unquestioned right to my seat, and was in the same position when I was voted for and elected. Directly after the election I came here and took my seat and served through the last session of the last Congress.

"But the governor of Utah Territory, having an idea that he had the opportunity to gain fame and make himself popular, entered, as I have full reason to believe, into a conspiracy with others to precipitate upon the country this question for the agitation of which a favorable opportunity had been long sought, to furnish some excuse for nullifying the election, and, either making the seat of the delegate vacant, or have a man occupy it whom the people had refused to elect. I having been born in a foreign land, he affected to entertain the belief that I was

not properly naturalized. At our last interview, before I came to Washington to occupy my seat at the last session, he told me he thought some question would arise on that point. I told him then that it was a matter which the House had decided in the Forty-fourth Congress, that the question had been fully examined and adjudicated, and I thought there ought to be some time in a man's life when the statute of repose should intervene to prevent his being annoyed upon a question of that kind, especially after it had been so thoroughly investigated. I told him further that it was the province of Congress to decide upon the qualifications of its members. But in accordance, as I believe, with this pre-arranged programme, he withheld from me the certificate of election.

"I came here, as you know, and claimed my seat as I had done before. I courted investigation. I have been willing that this charge should be thoroughly re-examined, although, as I said, it was thoroughly investigated by the committee on elections of the Forty-fourth Congress, who unanimously reported that I was a citizen of the United States. Since this session began, a distinguished Republican member of the committee on elections well-known, if not personally, at least, by reputation, to every member of this House, Hon. Martin I. Townsend, told me—and I will be pardoned for mentioning his name, because I have no doubt he would be quite willing I should use it—"Mr. Cannon, there is nothing whatever in this charge about you not being a citizen. I went to the bottom of that case myself in the Forty-fourth Congress, and if you are not a naturalized citizen, I do not know where to look for one." But at this session my case was referred, and fourteen of a committee, composed of fifteen members of the House, have decided that I was properly elected. Of that there can be no question; for the governor himself in my presence gave to the clerk of this House last winter his decision upon the election; and in response to my question, in the presence of the then clerk of the House, "Governor, do you admit that this is your official action?" he replied that it was. In that decision he stated (and it is his duty under the law to declare the result of the election) that I had received 18,568 votes and my competitor 1,357. This is the decision also of your committee; and further, they decided after thorough discussion and examination that I am a citizen, and so far as election and citizenship are concerned, am entitled to my seat.

"Mr. Speaker, it is now clear, that if I had my rights I should have come here by law with a certificate from the Territory of Utah under the seal of the Territory, signed by the Governor and countersigned by the Secretary of the Territory. That would have been my position if I had not been defrauded of my rights. I say "defrauded;" it is not too strong a term. I was defrauded of my rights and thus prevented from taking my seat on this floor; and the country has been inundated with falsehood since the election eighteen months ago to make the public believe that I was not eligible to a seat. I have been held in that position until within a few weeks a law of Congress has been passed which now disqualifies me in the opinion of many gentlemen on the other side who previously favored my case and said that I could not be kept out of my seat on account of any alleged disqualification arising out of my marital relations. I have been held in this position, bound hand and foot, until the passage of this act, and now it is

proposed to make this law operative against me to expel me literally from the House, not by a two-thirds vote, but by a majority vote.

"If any gentlemen feel that they can vote thus to exclude me, and thus be justified because of the clamor that is raised about Utah, and the people of Utah, and the religion of the people of Utah, I do not envy their feelings, but from the bottom of my heart I pity them. Of course every man must be responsible to himself and his constituency and his God for whatever vote he may cast. I do not question the right of any man to vote as he thinks best. I do not quarrel with any man on that account. His is the responsibility. I do not do so now; but I say it is a great wrong to thus act. Whatever may be said about my constituents or myself does not justify the violation of the Constitution and the laws in my case.

"It is conceded by the best lawyers in this House, if that recent law had not been passed, my case would have been a good one, notwithstanding the report of the committee on elections, and I could not have been kept out of my seat by that report nor by any reasoning embodied in it. This is the unanimous opinion of the best lawyers in the House. I had no fears about the subject myself. I was undisturbed as to what the result would be. But when this law was passed, I knew it was intended to furnish ground of justification for voting against me for many who were doubtful previously as to what vote they should cast.

"Mr. Speaker, if religious prejudice, if religious animosity, if allegations against the people of Utah are to be accepted as the foundations upon which action in my case is to be based, then it is clear I am to be excluded, and cannot take my seat. If these are to be accepted as reasons why Utah should not have representation, then certainly all representation will be stricken down on this floor, and the seat of the Delegate from Utah Territory, legally elected under the laws and under the Constitution, will be declared vacant.

"But I ask you, gentlemen, all of you, who say the people of Utah shall obey the law, will you who say we should comply with the law, religion or no religion, will you set us the example by smiting law down here, in what ought to be the temple of justice? Will you do this? Will you who ask equity from the people of Utah do equity, or will you deny us equity, and say we shall not have it because there are allegations made against Utah Territory; because they are falsely accused of everything that is vile, and charged with being bad men, just as the first Christians were when Nero burned them, made torches of them, and justified himself in doing so—will you, because of the alleged bad character of the people of Utah, be guilty of this great wrong?

"I say to you, Mr. Speaker, that before I would be guilty of that, I would want my right hand to loose its cunning and my tongue to cleave to the roof of my mouth—ay! before I would tear out the corner-stone of this grand and glorious temple of liberty which has been reared with so much costly toil and sacrifice, tear out the corner-stone of the right of the people to representation.

"That, sir, has been conceded to Utah from the beginning. You now prescribe by law certain disqualifications. This, upon no principle of fairness can apply to me. It would be an outrage to have it do so. It would be giving legislation a retro-active effect. I am just as eligible to this seat in Congress to day, as

I was the first Monday in December, 1873, when the Forty third Congress convened in this Hall of Representatives; for this new law does not affect me. I have not exposed myself to its disqualifying clauses. My eligibility has not been interfered with in the least. I have not committed any act which makes me any more unsuitable to that position than I was at that time. And if this idea shall prevail —which is the ground upon which the majority of the committee base their report—that every Congress shall have the right to prescribe new qualifications for Delegates to Congress, imagine the condition of the people of the Territory. They elect a man in good faith, believing they have a right to elect him, and because of some whim or caprice, through some change in popular majorities, when he presents himself, for some reason or other, he is objected to, and is told he cannot have a seat in this House, because in the opinion of the majority he is disqualified.

"It may be plural marriage to-day; it may be something else to-morrow, or some offense, real or imaginary, the next day; it may be the Mormon to-day, the man who believes in marriage, and it may be to-morrow the Shaker, the man who does not believe in marriage. It may be the Catholic the next day, and so on to suit the ever-varying whim of popular caprice, if Congress can prescribe new regulations for the Delegates from the Territories. Such will be the inevitable condition if the conclusions adopted by the majority of this committee shall prevail.

"It has been stated that I represent a church; that I am the ambassador of a church. Mr. Speaker, I represent the people of Utah Territory. I represent no church, and yet I represent every church that exists in that Territory. I am not here as an ambassador from any church. I am here because the voice of the legally qualified people of Utah Territory have chosen me to represent them here. It has been asserted also that I have no votes outside of the community of which I am a member. I dispute that statement also. It is not true, if the testimony of voters themselves can be believed, for they have stated to me, many of them, that they voted for me.

"We have a secret ballot in Utah Territory, and there is no means of knowing the candidates for whom votes are cast. I was voted for, if I may believe what I am told, by many non-Mormons. My last contestant, that was in the Forty-fifth Congress received over 4,000 votes. There has been an increase of the non-Mormon element since that time, and as one prominent man from Utah said to me in this city recently, 'Mr. Cannon, when we wish to get the seat of the Delegate from Utah, we will send some man here with more votes than 1,357 to get the seat.' This was said by a prominent non-mormon of that Territory, and if the entire vote had been cast in the Territory at the last election, I have no doubt there would be nearly 5,000 in opposition at that time. I am, therefore, a representative of the people of Utah, and if I do not represent them, certainly there is no one to represent them; but I am here because the law of Congress says that Utah Territory is entitled to a Delegate on this floor, and because the law said who should vote for the Delegate, and because the votes were cast for me.

"But in regard to licentiousness concerning which so much has been said, I wish to say a few words. Do gentlemen understand that if the people of my

Territory, those who are accused of violating law in having more wives than one —I say do gentlemen, in considering this question not understand that if licentiousness and lechery were the objects to be accomplished, that the people could reach this in a much cheaper and much more popular manner than by marrying women and sustaining and making legitimate their children? Why it needs no argument upon this point. The mere suggestion brings conviction to the mind of any person who reasons that the methods in vogue elsewhere and which provoke no wrath would be much more likely to have been adopted to accomplish such a purpose if that had been the object.

"Why should I stand here and be assailed, abused, and denounced as I have been for lechery, because of marrying wives. Was it necessary that wives should be taken to gratify sensuality? I have no need to take any wife to accomplish that. I have no need to take to myself the burden and responsibility of a family for that purpose. The people I represent would not need to be kept out of the Union (that being, we are told, the great reason that Utah has not sooner been admitted as one of the States) if the motives which have been attributed to them on this floor were the ones which have prompted them to contract marriages. There would be no necessity to place themselves in such a peculiar position if the gratification of passion were, as alleged, the sole object. What then, is it?

"Mr. Speaker, the people of Utah have profound convictions concerning many things. They have left their homes more than once for the sake of religion, and have been forced to make themselves new homes in a distant land. Marriage is an institution concerning which they have strong convictions. It may be said that this is not religion; but whether it is or not, they believe it to be religion. The Catholic has ideas as to what is religion. The Episcopalian has his ideas also upon the same subject; so with the Presbyterians the Methodists, the Baptists, the Quakers, the Unitarians, and others; and who shall decide, until the great day when men shall be judged and rewarded or punished for the deeds done in the body, between them.

"My constituents believe that God has given a command concerning marriage, and that he never gives a command without an object, and the object in this instance is to redeem the human family from the terrible evils under which in modern society it groans. It may be asked how redeem them? We answer by making marriage honorable; by uplifting it, by elevating it above its present condition; by giving every woman an opportunity to be a wife and mother. To cut off opportunity for prostitution and concubinage, and to leave no margin for lust to prey upon. It may be said that the sexes are so evenly divided that there is not sufficient disparity between their numbers to justify the adoption of such a principle.

"The people of Utah do not believe that plural marriage ought to be or can be universal. In Utah itself it is not possible, for the males out number the females. But give every woman the opportunity to marry, punish fornication and adultery, and what woman would occupy an illicit relation with the other sex? The people of Utah believe marriage at the present time is falling into desuetude, and in consequence corruption is spreading over the land, and we have felt that the country was big enough to allow us in that far-off Utah, not interfering with others,

not forcing our views upon others, to test the effect of the patriarchal system of marriage in checking the tide of vice and preventing the spread of evils which modern society acknowledges its powerlessness to extirpate.

"I do not think it would be wise under present circumstances, that I should say anything more on this question. You may depend upon it, however, that there are more arguments in its favor than you have heard here or are likely to hear, and that the men and women choosing to embrace that principle are able to assign good and sufficient reasons for doing so.

"I shall not allude to it from a scriptural standpoint. I may say, however, that so far as the condemnation of the world is concerned, we are willing to be placed upon the same plane with Abraham. And when we pray to go to Abraham's bosom we expect he will not look upon us as aliens or law-breakers; and when we pray to go to the New Jerusalem over each of whose twelve gates is written the name of each one of the twelve patriarchs, the sons of Jacob, we expect when we pass through these gates we shall not be ashamed to be known for what we are.

"Since the commencement of this debate, the statement has been made so frequently, that I feel as though I ought to say something in regard to it in connection with this case; I mean the statement respecting the alleged conduct of the people of Utah in absorbing all the public lands. In the first speech on the Utah case, the allegation was made that the people of Utah in pursuance of a well-defined and settled policy, had absorbed all the public lands. It would seem as though it were unnecessary for any person, and for myself particularly, to say one word in relation to this matter, it being so well known that in Utah Territory, as well as in the other Territories and States over which the land laws have been extended, every person can obtain land that is not occupied, every citizen who has the right to pre-empt or homestead land, and that there is no power in the local legislatures to alienate the lands or to take away the title and bestow it upon any individual. Acts of the Legislative Assembly of Utah Territory have been quoted to sustain the idea that they have really given title or sought to dispose of the public lands. At no time and under no circumstances was any action of this kind taken with a view to bestow the ownership or title upon any person who might occupy the land or to whom any grant might be given.

"But our canyon roads had to be made, and it required some action on the part of the Legislature to induce men to build costly roads into our mountains and to build bridges over our canyon streams. I have known canyon roads there costing over $12,000 to be swept away in a single storm. Grants of this kind were given in the early days of the Territory for such purposes, and also for herd grounds and other purposes, that local rights might be preserved. If such had been the design it would have been futile. We lived in Utah Territory twenty years before the land laws were extended over us; we had to do the best we could. As soon as these laws were extended over our Territory we then obtained title to our lands. These towns which have been spoken of could only get the same amount of land to their population that towns in other parts of the United States obtained. Where the inhabitants number one hundred, the law says, and less than two hundred, sites shall embrace not exceeding 320 acres, and s The highest num-

ber that was allowed was 1,280 acres. That was to a town containing 5,000 inhabitants. Now, Salt Lake City had outgrown the conditions for which the town-site act was designed, and the inhabitants could not obtain title under it to their homes. My predecessor, Hon. W. H. Hooper, succeeded in getting a special act of Congress passed to meet the exigency.

"The boundaries of the incorporated cities of Utah Territory were made very extensive. There was a very good reason for this. It is to be found in the facts that the settlements of Utah Territory were differently situated from those of every other part of the country. We had to do our farming by means of irrigation. We had to adopt the Mexican system of living in pueblos or villages. And it was thought a wise thing for municipal authority to be extended over the farms, the fields, the water, so that the water could be controlled and come within municipal regulations, and that men who farmed in the country might be within the towns, and have the social advantages, the school advantages and other advantages that there were to be obtained. Besides, it was an Indian country, and we had to live in villages to secure protection. But under the old law no man could pre-empt inside of an incorporated city. This was found out after the land laws were extended over the Territory.

"It was not supposed at the time these corporations were granted that they would thus interfere with the settlement of lands outside of the town-side limits; and it put the Mormon people as much as it did all others to great inconvenience. They could not obtain title to their lands any more than any one else until a law was passed by Congress which relieved the people in that respect in that Territory and in all the Territories; so that every settler that came within the limits of an incorporated city could obtain his land if it was open to pre-emption or homestead entry. That is all there is connected with this allegation that the people of Utah have plastered the whole country with their incorporations in order to prevent settlement.

"Another point, Mr. Speaker, in connection with this case. Let the resolution that has been proposed by the majority of the committee on elections be adopted and what will be the result? Nearly eighteen months have elapsed since the election for this Congress. President Hayes was President of the United States at that time. President Garfield succeeded him. President Authur now fills the executive chair. During these three administrations the Governor of Utah Territory, who ruthlessly violated the law and robbed the people of their franchises, still occupies that position.

"Let this seat of the Delegate from Utah be declared vacant, and you say to every Governor in the United States who acts as a ministerial officer, in declaring the results of elections, 'You can give certificates to men not elected with impunity if we are in power, as was done in the Utah case, and no one will call you in question.' And the returning board which goes to Utah Territory under the law just passed, if not superior men, will feel emboldened to do the same thing with every man who may be elected under that law, and who may be displeasing to a majority of the board. They may assume the same right, and say to the man, 'You have received the votes, but we question your right, your eligibility,

and we refuse to give you the certificate.' Gentlemen can you see what the effect will be?

"You may depend upon it that the consequences of this action, if the report of the majority of the committee be adopted, will not end with Utah Territory. Crystalize this fraud, make it effective by your votes, and its consequences will be far-reaching and extensive The delegate-elect from Utah may be an insignificant person, but a great principal is involved in this case. It will not be the Mormons always. There will be some one else, perhaps, who will be unpopular. There will be some party in the minority against whom strong prejudices will be aroused and strong feelings evoked. This case will be cited as a precedent for refusing right and justice to such persons and it will be pleaded in justification that this Forty-seventh Congress indorsed such action by sustaining the report of the majority of the committee on elections. A great wrong of this character cannot be perpetrated even upon the people of Utah without producing terrible results, which will be far-reaching and wide-spread.

"There is one statement which I feel that I ought not to permit to pass unchallenged. It was stated upon this floor by the gentleman from Pennsylvania, [Mr. Beltzhoover,] and he assigned it as a strong reason for joining in the majority report, that in the Forty-third Congress I had unequivocally denied that I was what I have since acknowledged myself to be. And the gentleman from Tennessee, [Mr. Pettibone,] made that the foundation for his argument. He read from the statement which I made in the Forty-third Congress, and he certainly has an admirable way of reading anything so as to make it suit the purpose of his own argument. He read:

"I deny that I am now living with four wives.

"And then he paused. Well, if that was without qualification it would look as though the gentleman from Pennsylvania was quite correct in saying that I had unequivocally denied the accusation. But there is something else in the sentence. There is a parenthetical sentence—'or that I am living or cohabiting with any wives'—which may be omitted. It will read then in this way.

"I deny that I am now living with four wives in defiance or willful violation of the laws of Congress, etc

"I denied it then and I can deny it now. I never defiantly or wilfully violated any law. In response to the tenth allegation contained in the statement, I said:

"I deny that I am now living or have ever lived in violation of the laws of God, man, my country, decency, or civilization, or any law of the United States.

"Every lawyer knows that in pleading for the purposes of the action in controversy, allegations are denied and proofs are called for, or a defendant might violate the old common-law rule that a man is not bound to accuse himself, but to leave the burden of proof to rest upon his opponent. But to show that the members of the committee in the Forty-third Congress understood exactly my position, for I want to make it so clear that it cannot be disputed, that that issue was raised and was accepted and was recognized as the true issue, I will read from their report. Before doing so I may say that the full committee decided, notwithstanding the accusation that had been made that I was not entitled to my

seat because of marital relations, that these relations were not a disqualification for a seat upon this floor, and the majority reported these resolutions:

1. *Resolved*, That George R. Maxwell was not elected, and is not entitled, to a seat in the House of Representatives of the Forty-third Congress as Delegate from the Territory of Utah.

2. *Resolved*, That George Q. Cannon was elected and returned as a Delegate from the Territory of Utah to a seat in the Forty-third Congress.

"There the majority of the committee stopped. But a minority of the committee reported the following resolution:

"*Resolved*, That George Q. Cannon was duly elected and returned as Delegate from the Territory of Utah, and is entitled to a seat as a Delegate in the Forty-third Congress.

"The issue in controversy, and upon which the contest was based, was brought plainly before the House, and the House by about a two thirds vote adopted the majority report and the supplemental minority report. In the report which was made by the minority of the committee it was stated that—

"The majority of the committee have failed and decline to report a resolution to the effect that George Q. Cannon was entitled to the seat upon the ground that he was disqualified by reason of the fact thas he was the husband of more than one wife, and, as is assumed, is guilty of a violation of the act of Congress, etc.

"You will see by this that the issue was fairly brought before the committee on elections; it was not only brought fairly before the committee on elections, but it was brought fairly before this House. And this House, with the full knowledge of all the facts, thoroughly conversant with the statement made concerning me upon this point, and which I neither disputed nor denied, this House of a Republican Congress, by a vote of about two-thirds of the members present, confirmed me in my seat.

"In the Forty fourth Congress the same issue was made and the same resolutions were adopted. The House being pressed for time on account of business, the sub-committee did not report to the House thinking it unnecessary to do so, as I already had my seat.

After I had been confirmed to my right to a seat in the Forty-third Congress, a resolution was introduced by a member of the committee on elections, making charges against me concerning marriages, and the committee was authorized to investigate the matter. The committee in submitting their report, made this statement:

"Your committee think the evidence, unchallenged as it is by the Delegate, establishes, etc.

"That is, that I was living with more wives than one. The committee then reported a resolution that George Q. Cannon, Delegate from Utah, being found, upon due consideration and the evidence submitted and not controverted by said Cannon, to be an actual polygamist, etc.,

"The committee was authorized to report to the House, but when it did report, the House refused to consider the report, and the case was dismissed.

"That was in the Republican Forty-third Congress.

"Mr. Speaker, I find myself in this position: I am here as the delegate from Utah Territory, regularly elected, properly qualified, fully entitled to the seat. My constituents, as well as myself, believed at the time of my election that there was no barrier to prevent me from taking my seat. Nothing has occurred since

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my election to interpose any such barrier. All these charges which are made against my constituency, which I have not time to allude to in detail or to disprove, but which I do state are false, all these charges were in existence years and years ago. They were in existence in the Forty-sixth Congress, in the Forty-fifth, in the Forty-fourth, in the Forty-third Congress. I have sat here during those Congresses. My right to my seat has been fully vindicated by the House. I came here under precisely the same circumstances then that I come now. But it is now said that a law of Congress has been enacted which prevents me from taking my seat; that by the operation of this law I am excluded, and the seat is to be declared vacant. If this proposed resolution be sustained, then I say fraud will be supplemented by this method of strangling, of murdering the representation of the Territory of Utah on this floor.

"If the report of the majority of this committee shall be sustained, I shall leave this Hall of Representatives with a feeling and a conscience which will give me far more satisfaction in the days to come than if I were a member of this House and voted in favor of the adoption of the report of the majority declaring this seat vacant. I am a resident of Utah Territory, and one of those people who are everywhere spoken against, and against whom many vile charges are made, as were made against their predecessors, the Church of Christ, in the early days, and as Jesus predicted would be the case; yet I do respect my oath, and I pity any gentleman who, with nothing to sustain him but popular sentiment, is willing to trample upon the Constitution and the law, and to strike down a people against whom popular sentiment is strong.

[Here the hammer fell.]

"Mr. Speaker and gentlemen of the House, I thank you for your kind indulgence."

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## CHAPTER XC.

POLITICAL CAMPAIGN OF 1882. NOMINATION OF JOHN T. CAINE. VAN ZILES CHALLENGE. THE CANDIDATES BEFORE THE PEOPLE. VICTORY OF THE PEOPLE'S PARTY.

The action opened with the meeting of the Convention of the People's Party, in the City Hall, Salt Lake City, on Monday, the 10th of October. The Convention soon adjourned until the following Thursday without having effected its regular organization; the temporary chairman was R. K. Williams, now of Ogden, late chief justice of Kentucky.

On the 11th of October, the Convention of the Liberal Party met at the Walker Opera House. Business commenced by a temporary organization with M. M. Kaighn, Esq., as chairman; the organization was perfected with Judge McBride as regular chairman. The delegates quickly came to the adoption of the following platform of the Liberal Party of Utah.

"The Liberal Party of Utah Territory, composed of citizens of all shades of political opinion, finding itself confronted by a condition of local affairs so anomalous in character as to make the partizan distinction known in other portions of the United States of minor importance; and being assembled in convention for the purpose of nominating a candidate for Delegate to the Forty-eighth Congress from this Territory, and being desirous that the public may fully understand the reasons which influence us in discarding the current political distinctions prevailing elsewhere, and justifying our independent action, do hereby proclaim the following platform of principles:

"1. That the highest political duty of every American citizen is to be loyal to the nation under whose flag he lives, and to yield ready obedience to all the laws enacted by its authority to effect its conduct and government.

"2. That we are in favor of equal and exact justice to all citizens without regard to nativity, creed or sect, and the honest enforcement of the laws against all offenders, without regard to their opinions, social, religious or political.

"3. That the laws of Congress heretofore passed for the purpose of suppressing polygamy, practiced in Utah under the pretense of a religious right and duty, and to prevent the Mormon Church from perverting the local government provided by the Organic Act, into a means of advancing the interests of that sect in disregard of the rights of those not of that faith, have our emphatic approval and support, and the effort thus far successful of that Church to prevent the execution of those laws stamp it as a law-defying organization, of which we express the most positive condemnation.

"4. We arraign the Mormon power in Utah on the following grounds: it exalts the Church above the State in matters of purely administrative and political concern. It perverts the duty of the representative in official and legislative matters by demanding that the interests and wishes of that sect and of the priesthood shall be made paramount considerations. It destroys the freedom of the citizen by assuming the right to dictate his political action and control his ballot. It teaches that defiance of the law of the land when counseled by its priesthood is a religious duty. It encourages jurors and witnesses, when attempts are made in the ordinary course of law to punish the crime of polygamy, to disregard their duties in order to protect offenders who are of their faith. It discourages immigration and settlement upon the public lands, except by its own adherents, and by intolerance and gross personal outrages on non-Mormon settlers, drives them from the common domain. It restricts commerce and business enterprise by commanding its members to deal only with houses of which it approves, thus creating vast monopolies in trade in the interests of a few men, who engross the favor of its hierarchy and enjoy the income of its people. It oppresses the people by taxation, unequal and unjust, and its officers neither make nor are they required to give any satisfactory account of the disbursement of public funds. It taxes the people to build school houses and therein teaches the tenets of the sect by teachers licensed only by its priesthood—most of whom are incompetent and unlearned except in Mormon doctrines. It fills the public offices with bigoted sectarians and servants, without regard to capacity for official station or public employment. It divides the people into classes by religious distinction and falsely teaches its adherents

that those not of their faith are their enemies, thus sowing suspicions and bigotry among the masses. It confers on woman the suffrage and then forces her to use it under the lash of its priesthood, to perpetuate their power and her own degredation. It robs thousands of women of honorable wedlock and brands their children with dishonor, so that they may be forever deterred from any effort for relief from its grasp. In a word, it has made Utah a land of disloyalty, disaffection and hatred toward the Government; has retarded its growth, prosperity and advancement; set its people at variance and discord with the fifty millions of people in the United States, and made its history a reproach to the Nation. For these offenses, to which many more might be added, we arraign the Mormon power in Utah, and invoke against it and its monstrous pretentions and practices the considerate judgment of the citizen voter, the statesman and the Christian, and humbly submit that our attitude toward it is not only justified but demanded by every consideration that ought to control the true American citizen in the discharge of political duty.

"5. That while this organization, calling itself a church, asks immunity for its acts on a plea of religious belief, it is in reality a social, commercial and political body; and while we recognize the fact that many of its members are controlled by honest motives, and would, if freed from their obligations to the body, be faithful citizens, we equally assert that the organization is an enemy of all government except its own, and that there can be no fair and impartial civil government in Utah while the Mormon Church is permitted to control the law-making power.

"6. That while the act of June, 1874, commonly known as the Poland Bill, the act of March, 1882, commonly known as the Edmunds Bill, with the Hoar amendment of July, 1882, have all given great relief to the non-Mormons of Utah, and while for this legislation we express our sincere thanks to the senators and representatives who originated and passed it; we here repeat the resolve of our last Territorial Convention, that no attempted remedy which leaves the political power of the Territory under the control of the Mormon priesthood will ever be successful in ref ning the evils we complain of, and that the peaceful, thorough and effective remedy will only be found by the adoption of a measure by which the legislative power of the Territory shall be given to a Council or Commission appointed by and under the authority of the United States, and answerable to it for the faithful performance of its duties.

"7. That we hail with joy the dawn of a brighter day for priest-ridden Utah, and we invite the loyal, independent members of the Mormon Church to co-operate with us in an honorable political effort to confine the church to its legitimate work, and free every voter from priestly dictation; to drive from office the men who have squandered our municipal, county and Territorial funds, and to hold our official servants to the strictest accountability; to establish and maintain a system of unsectarian free schools; to develop the varied material interests of this wonderfully rich Territory; to harmonize the antagonism engendered by the arbitrary, intolerant rule of the now defunct polygamous dynasty; and, in fine, to lay broad and deep the foundation of a loyal, intelligent and enduring commonwealth.

"8. That in Eli H. Murray, our present governor, we recognize a faithful, fearless, and patriotic public officer, one who, in denying a certificate of election to an alien and polygamist as a delegate to the Forty-seventh Congress, and in granting such certificate to the only person eligible at that election, performed his official duty in a bold, manly, and patriotic manner, and opened the way to a contest which resulted in the defeat and rout of the representative of polygamy from the hall of the National Congress; and we further give to Governor Murray, in his attempt to discharge the duty imposed by the Hoar amendment, our cordial approbation, and announce it as our opinion that but for the treasonable counsels of the Mormon hierarchy, urging resistance to the appointments made by his Excellency, the present unseemly contest to nullify the laws by opposition in the courts would not have been made.

"9. That in the Edmunds law, and the Hoar amendment, the latter suggested by the judicious wisdom of the patriotic and faithful judges of our Supreme Court, we recognize that Congress has determined that means shall be adopted adequate to reform the political condition of Utah; that we express our gratitude for those measures, and pledge ourselves to labor to make them effective for the purposes intended.

"10. That the judicious conduct of the Utah Election Commission in conducting the registration of voters for 1882, under circumstances of great and peculiar difficulties, challenges our admiration and approval, and we truly tender to the Commission the thanks of citizens who have learned to appreciate the prospect of a fair vote and an honest count.

"11. That this convention represents, in the non-Mormon population, not less than thirty thousand fair-minded, loyal, just and patriotic people, and we resent with indignation the assertion and imputation that in urging the reformation of notorious abuses in the government of this Territory, we are organizing a scheme to plunder the Mormons of their property and worldly possessions; and whether such imputations emanate from the priesthood, whose political power we oppose, or their tools of the press, or any other power, subsidized or not, we denounce it as without color of support in fact, and the vile concoction of villifiers and slanderers.

"12. That to Allen G. Campbell, the standard-bearer of the Liberal party for the last two years, we express our admiration and gratitude for his services and his faithfulness to the Liberal cause."

One after the other the counties nominated Allen G. Campbell and quickly the nomination was made unanimous. A committee was appointed to wait upon Mr. Campbell who on his appearance, gracefully declined the nomination. Most likely this was expected. Philip T. Van Zile was doubtless intended as the standard-bearer of the Liberal party of Utah in this campaign, but all felt that the offer of the nomination was first due to Allen G. Campbell for past services. Philip T. Van Zile was next nominated by E. P. Ferry of Park City, chairman of the delegation from Summit County. Other delegates briskly followed upon the same name, after which there came a division in favor of Judge McBride. Against this division several members protested, and both Van Zile and McBride declined the nomination that afternoon. This caused an adjournment to the next

morning, when Judge Philip T. Van Zile was again nominated by the delegate from Summit County, and chosen by the unanimous vote of the convention. A committee was appointed to notify Judge Van Zile, who, on making his appearance in the convention, was received by the members standing, and welcomed with great enthusiasm. He accepted the nomination and made a very conservative, effective speech, in which he confessed the prospect of defeat, but affirmed that the influence of their work in the coming campaign would, in effect, be a victory for the Liberal party.

On Thursday, pursuant to adjournment, the convention of the People's party again met, organized, and proceeded to business, electing Wilson H. Dusenberry, president. Much important business was done for the People's party on this day, but the crowning work was reserved for the following day.

Friday, October 13th, in the afternoon the committee on resolutions and declaration of principles, reported through its chairman, Mr. S. R. Thurman, and the reading of the platform of the People's party was given to Mr. F. S. Richards.

DECLARATION OF PRINCIPLES.

"The People's party, struggling for supremacy of constitutional law and the sacred privilege of local self-government, submit the following declaration of principles:

"1. We believe that the protection of life, liberty and the pursuit of happiness is the object of free government, and that the Constitution of the United States was ordained and established to secure the greatest possible liberty to man, woman, and child, consistent with public welfare.

"2. We believe that free government can only exist where the people governed participate in the administration thereof.

"3. We believe that any party or faction of a political community that seeks to subvert the institutions of local self-government, aims a deadly thrust at the Constitution, and that such party or faction is unworthy the suffrages of a free people.

4. We believe that any official who attempts to stifle the popular voice as expressed at the ballot box, is guilty of treason against the sovereign people.

5. We believe that the right to frame laws suited to the requirements of the Territory having been vested by Congress in the Legislature elected by its citizens, to deprive them of that right by substituting a commission, arbitrarily appointed, and thus disfranchise a hundred and fifty thousand people, and reduce them to a condition of serfdom, would be unprecedented in the history of the nation—an act that could not be justified by any actual necessity, and that the attempt by a pretended political party to create such a revolution in the government of this Territory is worthy only of conspirators and political adventurers.

6. We believe in the right of the people of a Territory, as well as of a State, to test, in the courts established by the government, the constitutionality or construction of any enactment, local or congressional, and express our astonishment at the public declaration of a high Federal official of this Territory, and the enunciation by a so-called political party that the people have no rights except such as Congress may grant to them, and that to differ with the Territorial executive

about the construction of a statute is nullification. We utterly repudiate such a monstrous doctrine as worthy alone of the most absolute despotism, and claim that the United States Constitution, in its benign provisions, extends alike over the States and Territories of the American Union, and that it is the bounden duty of the Governor, as much as the humblest citizen, to yield obedience to the laws as they are construed by the courts. We utterly repudiate the unconstitutional attempt by any executive to usurp judicial or legislative functions, and to hold the American citizen bound by the partial, prejudiced, unfair, and illegal construction which he may see fit to place upon any statute.

"7. Citizenship is the basis of the right of suffrage. While the elective franchise is a privilege conferred by law, the qualifications for its exercise grow out of the condition of citizenship, and as citizenship is not dependent upon sex or regulated thereby, whatever right of voting originates in the citizenship of men inheres also in the citizenship of women. Female citizens, equally with male citizens, are amenable to the law, therefore they are entitled to an equal voice with men in the framing of the law. As all just powers of government are derived from the consent of the governed, and that consent is expressed by the suffrage, and as women as well as men are made subject to the government of this country, the denial of the suffrage to women is inconsistent with the principles which underlie our national institutions. The moral and intellectual, as well as physical excellence of our sons and daughters being largely dependent upon the mothers who bear and train them, the women of the nation should be endowed with full political freedom, that, being made familiar with political rights and principles, they may be able to instill into the hearts of the rising generation the spirit of patriotism, the love of liberty, and a reverence for republican institutions. For twelve years the women citizens of Utah have enjoyed the right to vote at all elections in this Territory, and have exercised it with credit to themselves and to the benefit of the community, and the People's party hereby denounces the attempts which have been made to deprive women voters of the right of suffrage, as illiberal and unmanly assaults upon vested rights and upon justice, equality, and the principle of popular sovereignty.

"8. We believe in an honest and economical administration of government, and point with pride to the economy and honesty with which the public affairs have been administered by officers elected from the ranks of the People's party, and also to the fact that the taxes in Utah are lighter than any other Territory; the Territory is out of debt; the counties, with one or two exceptions, are in the same satisfactory condition. The records fail to furnish any instance of embezzlement or misappropriation of public funds by any official of that party. On the the other hand, when, by frauds committed at the polls, Tooele County was wrested from the popular control, the taxes of the county were shamefully misappropriated and embezzled; county scrip depreciated from par to less than fifteen cents on the dollar, and even by the economy and honesty of the People's officials, who have resumed control of its affairs, and although its paper is now worth ninety per cent., Tooele County is not yet quite out of debt and has not fully recovered from the evils of 'Liberal' rule.

"9. We repudiate and deny the charges of lawlessness which have been

made against the people of Utah, and as proof that those slanders are without foundation, we point to the records of the courts, the chief of which are not in any way in the control of the people, and which demonstrate the striking fact that the so-called 'Liberal' class, constituting less than twenty per cent. of the population of the Territory, furnishes over eighty per cent. of the criminals.

"10. We further repudiate and deny the charges that in Utah a church dominates the state; that priestly control is exercised in any manner to infringe upon the freedom of the individual, either at the polls, in convention or in any official capacity; that perjury or falsehood of any kind is justified, whether for the protection of persons from the action of law or for any other purpose whatever; that intolerance is exhibited either for the discouragement of emigration, the settlement of the public domain or invasion of the rights of any individual; that any unequal taxation is either encouraged or permitted; that public accounts are not given of the expenditure of public moneys; that the tenets of a church are taught in the district schools, or that the people are influenced to disloyalty or antagonism to the government of the United States or any of its representatives.

"11. We affirm that it is the duty of every American citizen to render obedience to the Constitution of the United States and every law enacted in pursuance thereof.

"12. We affirm with confidence that the Territory of Utah, having the requisite population and exhibiting all the qualifications necessary to self-government, its people being exceptionally honest, thrifty, sober, frugal and peaceable, is entitled to admission into the Union as a sovereign State.

"13. We pledge ourselves as a party to the maintenance and defence of constitutional principles and the inalienable rights of mankind, and proclaim ourselves the friends of true liberty—civil, political and religious, to all people in every part of the habitable globe."

The reading of the resolutions was received with prolonged applause, and a vote of thanks was tendered to the committee that framed them.

Mr. Penrose said that to be consistent with one of the planks in the platform the women citizens should have some representation in the Territorial Central Committee. He therefore moved that the lady delegates be permitted to nominate two ladies as members of that committee. Carried.

Mrs. Horne nominated Mrs. E. B. Wells, and Mrs. Howard nominated Mrs. M. I. Horne. Those ladies were added to the committee.

The convention then proceeded to nominate candidates for the office of delegate to Congress, and on motion of R. K. Williams, nominations were left free to every delegate. Judge Williams nominated F. S. Richards, of Ogden. The nomination was seconded, but Mr. Richards firmly and respectfully declined, and in a neat but brief speech nominated Hon. John T. Caine. Seconded by C. W. Penrose. J. R. Murdock nominated W. H. Hooper and urged his claims to the position. Seconded by S. R. Thurman. Mr. J. R. Winder announced that Captain Hooper having heard that his name had been mentioned as delegate wished to decline.

Mr. Thurman stated that he had come here prepared to nominate Warren S. Dusenberry, but as he had requested that his name should not be presented, he

endorsed the nomination of W. H. Hooper, and passed a deserved eulogy on that gentleman.

Mr. Penrose endorsed the sentiments expressed in relation to Captain W. H. Hooper, but urged the qualificatious of Hon. John T. Caine as a man of ability and experience in many positions.

Mr. Creer supported the nomination of Capt. Hooper.

Mr. Richards being again mentioned, that gentleman with thanks for the honor asked that his name be not mentioned in this connection, but that his friends would cast their votes for Mr. Caine.

Judge Williams was in favor of voting, and then if either gentleman was nominated who wished to decline he could do so.

Mr. Dunn supported Mr. Hooper.

On motion, the Convention proceeded to ballot. The chairman of each delegation collected the ballots of his county. On the first ballot John T. Caine received 53 votes, W. H. Hooper 12; F. S. Richards 3; necessary to a choice 46.

On motion of Judge Williams, the nomination was made unanimous.

John T. Caine was declared to be the nominee of the Convention.

On motion of Mr. Graham a committee of three was appointed to wait upon Mr. Caine, as follows: J. C. Graham, Geo. M. Ottinger, and Mrs. M. I. Horne.

On motion of Mr. Penrose, the Convention proceeded to nominate a delegate for the unexpired term of the Forty-seventh Congress.

Captain Hooper's claims were urged with great force by several delegates. Mr. Richards again nominated Mr. Caine. C. W. Penrose explained the propriety of sending the same man to the remaining session of the Forty-seventh Congress as for the full term of the Forty-eighth.

The first ballot resulted: John T. Caine, 48; W. H. Hooper, 22; necessary to a choice, 46. John T. Caine received the nomination, and it was made unanimous.

Mr. Stanford offered the following:

Mr. Chairman—I move that the delegations composing this convention see that mass meetings in their several counties throughout the Territory are held to ratify the principles contained in our platform and canvass for a mammoth vote in favor of our nominee for the Delegateship to Congress. Carried.

Hon. John T. Caine being escorted to the Convention hall by the committee, responded as follows:

"*Mr. President, Ladies and Gentlemen*:—I am informed by your committee that you have been pleased to select me as your nominee for Delegate to Congress. I thank you sincerely for this manifestation of your confidence. If you think it is for the best, if you, as the representatives of the people want me, I can only say that I have always held myself in readiness to obey any call of the party to which I owe allegiance; and, relying on your confidence and your support, I accept the nomination. I do not by any means consider the position an enviable one, for it involves much labor and many unsatisfactory outcomes; but since some one has to endure it, since some one must be abused, why not I be the target as well as any one else? I have no set speech prepared. I am not a professional speech-maker, for it has not been my occupation; neither are those who compose the

People's party speech-makers by profession—we are workers, rather; but we know our rights, and dare to defend them against any opposition. I can say that I am proud of being a citizen of Utah, despised though she may be by many; I am proud of being a member of the People's party and to be associated with those heroes (for so I look upon them) who labored and toiled and suffered hardships to make this Territory a delightful habitation for us who now enjoy the fruits that have resulted from their trials and sufferings. Who made the roads? built the bridges? subdued the savages? destroyed the snakes? and made this once barren waste a fair spot on the earth? Who but the founders of the People's party? and to them I think all honor is due. I do not wish to disparage the labors of others, those who have developed the mines and established useful and profitable industries. I would accord to them full honor and fair words for what they have done; but had they come here when many of the necessities of life had to be freighted by ox teams a distance of 1,000 dreary miles; had they to pay the almost unbearable prices that these commodities commanded; had they been forced to subdue all the conflicting conditions which were rank when the people came here, I would like to know how many of the mines would have been developed, and what would be the condition of this Territory to-day? And yet a certain class would deprive these pioneers, these heroes, of the meagre right of casting their votes for the persons who are to labor for them as public servants. Is this right? Is this magnanimous on the part of the parent government? It is not; it is not right; it is not magnanimous, and it is this injustice that calls for our indignation. We have some rights which are guaranteed to us by the Constitution and laws of the country, and we propose to show such persons that we know how to defend these rights. We can no longer submit silently and endure as we have done, but we will fight it out this time, if it takes all summer, if it takes all winter, or if it takes all the time we live upon the earth!"

The speech was frequently interrupted by applause, and the conclusion called for an additional burst.

The following was offered by Mr. C. W. Penrose:

"*Resolved*, That in the Hon. George Q. Cannon the people of Utah have had an able, upright and fearless gentleman as their Delegate in Congress for several sessions; that his exclusion from the present Congress was a cruel blow aimed at the right of representation; that the honorable gentleman has the confidence, esteem, and admiration of the People's party, and that we hereby tender him the thanks of the people for his faithful services in their behalf."

On motion of Mr. R. Baty, 20,000 copies of the resolutions and declaration of principles was ordered printed in pamphlet form for distribution by the Territorial Central Committee.

On motion of Mr. A. Hatch, a vote of thanks was tendered to the president and all officers of the Convention.

The minutes were read and accepted. Benediction by the chaplain. Adjourned *sine die*.

The Central Committees of both parties had resolved at this great test election on a thorough and most vigorous campaign throughout the Territory, the standard bearer of each party taking the platform with his ablest lieutenants. It was the

first time in our elections that the two parties had fairly recognized each other frankly and conjointly accepting the idea of the "irrepressible conflict" between them, to be fought out by political leaders and the votes of American citizens. Hitherto our election contests had been rather between the Mormons, as a church, and the anti-Mormons, as a body of crusaders in deadly conflict to overthrow that church. This time, at least in profession, they informally agreed to accept each other as purely political parties, contesting for the rule of the Territory by the sovereign votes of American citizens. Strictly and conscientiously this seems to have been the case with the leaders of the People's party, and the reasons for this judgment are obvious and sound. In the first place, the Mormon Church, as such, may be said to have been politically outlawed by the Edmunds bill and the action of the Utah Comission. The principal churchmen had been disfranchised, and so the entire burden of the conflict rested upon the people as a political party.

Immediately upon the nomination of John T. Caine, Judge Van Zile sent to him the following challenge:

"SALT LAKE CITY, UTAH, October 13, 1882.

"*Hon. John T. Caine:*

"MY DEAR SIR:—You have to-day received and accepted the nomination for Congress at the hands of the "People's party," and I understand your party is anxious to make a thorough canvass of the Territory. Believing that the principles and claims of the two parties can be better understood by the voters by listening to a joint discussion, I do most respectfully challenge you to discuss with me the political issues, at public meetings to be arranged for by the two central territorial committees throughout the Territory. The time to be divided between us at each joint discussion as follows:

"The opening speaker to have forty-five minutes to open, the speaker to follow to have one hour to answer. The one who opens to have fifteen minutes to close the debate. As the time is very short before election day I am anxious for an early reply, and hope to hear from you by to-morrow (Saturday) evening.

"Hoping you will accept this challenge, I am yours very respectfully,

PHILIP T. VAN ZILE,
Nominee of the Liberal Party of Utah.

The response of Mr. Caine was as follows:

"SALT LAKE CITY, Oct. 16th, 1882.

"*Hon. Philip T. Van Zile, Salt Lake City:*

"DEAR SIR:—Referring to your favor of the 13th inst., which I did not receive until Saturday afternoon, I beg to say that I do not agree with you in believing that the principles and claims of the two parties can be better understood by the voters by listening to joint discussions, as I fail to see that my party has anything to gain by such discussions. Its members are fully confirmed in their principles and claims and care nothing for the views of the so-called Liberals; and I cannot ask my friends to attend meetings under the pretense of listening to a discussion of political issues, when judging from the past, so far as the Liberals are concerned, it would be nothing but an attack upon their religious principles.

"I propose to conduct my campaign in the interest of my friends, the party who nominated me, and not in the interests of my opponents, and I do not propose to furnish the latter with audiences which they could not otherwise obtain; nor in any other manner give them either aid or comfort.

"I therefore most respectfully decline your challenge, and remain,

"Very truly yours,
"JOHN T CAINE."

The next movement was made by the central committee of the People's party for ratification meetings to be held at Ogden, Farmington, Brigham City, Logan,

Morgan City, Coalville, Plain City, Provo, Ephraim, Nephi, American Fork and Tooele City, which were addressed by Hons. John T. Caine, W. N. Dusenberry, C. W. Penrose, Samuel R. Thurman, F. S. Richards, James Sharp and others.

Ogden, where the parties are nearly equal in strength, was the great battle-field of the campaign. There the grand ratification began, and there the action, so far as the leaders were concerned, may be said to have ended in a splendid demonstration on both sides, on the night of the 6th of November, previous to the casting of the votes of the citizens the next day.

The Liberal party also held their first rally at Ogden. Indeed, the able candidate of the opposition and his lieutenants were foremost in opening the campaign. The majority of those of that party who went out to stir up the people of this Territory to a lively interest, touching the imperative duties and vital issues of the present and future, were experienced political leaders and able electioneering orators. Though, of course, they could neither carry the Territory on the Liberal side, nor hope to do so, yet they fought through the campaingn with as much courage and genuine party zeal as if victory were certain.

On Saturday evening, November 4th, a grand ratification meeting of the People's party was held in Salt Lake City. At six o'clock a procession, consisting of the Central Committee, the People's candidate, the various brass and martial bands of the city, and a host on foot bearing torches and chinese lanterns, formed in front of the theatre and proceeded to march through the principal streets. As they marched, Roman candles were shot into the air, and the music of the bands and shouting of the populace gave a grand enthnsiasm to the affair. Cheers were given at several points for the Hon. John T. Caine.

By seven o'clock the procession had returned to the point of starting, and the doors of the theatre were thrown open, which was soon packed from pit to dome with the enthusiastic multitude. Thousands went away unable to gain admission.

Hon. John Sharp called the meeting to order, and nominated Mayor Jennings as chairman. The nomination was unanimously carried.

After thanking the audience for the honor conferred on him, the chairman introduced the People's nominee, Hon. John T. Caine, who, on rising to address the meeting was received with loud and prolonged applause.

The great speech of Mr. Caine delivered on this occasion, is too capacious to be incorporated in the narrative; as is also that of Mr. Van Zile, delivered to his constituents at Salt Lake City in closing his action in the campaign.

The grandest demonstration, however, occcurred at Ogden, November 8th, on the eve of the election. The leaders of the People's party bore the standard of victory, for the battle was substantially fought and the spendid issue of their tomorrow was certain. Not alone did the People's party make triumphal march with blazing torches and stirring music, but the Liberal party did the same, though its procession, of course, was not so imposing, nevertheless worthy to be styled a grand party rally and parade. It was indeed as the meeting of armies, and though victory perched on the standards of the People's party, yet the Liberals stimulated their enthusiasm with courageous hopes and ringing prophecies of certain victories in the near future.

On the following day, Tuesday, November 7th, 1882, the election was held closing the campaign which forms a political epoch in the history of our city and Territory.

The gentlemen appointed by the commission as a canvassing board to canvass the returns of the delegate election, held November 7th, met at the commission room at 10 A. M., Thursday, November 16th. There were present, besides the commission—excepting Colonel Godfrey who was away—Col. E. Sells, Judge C. C. Goodwin, Mr. McLaughlin of Park City, F. S. Richards, Esq., of Ogden, and Judge Dusenberry of Provo, who composed the board. There were also in attendance Hon. John T. Caine, Hon. P. T. Van Zile, and other gentlemen, friends of the candidates. The following protest was submitted to the commission, and afterwards made to the board of canvassers also:

"TERRITORY OF UTAH, CITY OF SALT LAKE, November 16, 1882.

*To the Utah Commissioners, and to the Board of Canvassers by them selected:*

"GENTLEMEN:—I have the honor to submit to you the following objections to canvassing the votes claimed to be cast for the Honorable John T. Caine at the late election for Delegate to Congress, viz:

"First—The ticket used and voted at the late election by the so-called "People's party," and which bore the name of John T. Caine, was not in accordance with law, but, on the contrary, was one which embodied two distinct tickets, and for two different offices, to-wit:

"1. One for Delegate to the Forty-seventh Congress, and one for Delegate to the Forty-eighth Congress.

"That there is no authority for electing a delegate for the unexpired term of the Forty-seventh Congress, which was well known to the persons voting said ballots, and especially to John T. Caine, the nominee and candidate named on said ticket.

"2. That by reason of the unusual size and shape of said ballot, it marked the envelope which your Honorable Body caused to be used for enclosing said ballot at the time of voting the same, and which the law required, and thus caused said ballot to be other than a secret ballot, as is contemplated and required by law.

"3. That the said envelopes were so marked by reason of the size and form of said ticket, that it could be easily determined which ticket was contained within the envelope.

"4. That John T. Caine, the person voted for by the so-called "People's party," and whose name is contained on their tickets, is not eligible for said office, which was well known by persons casting said ballots, in this, to-wit:

"1. That said Caine is, within the meaning and fair construction of the law of Congress, commonly called the Edmunds Bill, a polygamist. That for proof of the allegations contained within this objection, the undersigned now offers to make satisfactory proof to this Honorable Body.

"Yours very respectfully,

"PHILIP T. VAN ZILE."

Upon the presentation of the above protest, Mr. Caine said that if the Commissioners determined to hear the matter discussed, he desired the privilege of making a reply, in the meantime denying all the allegations the document contained. The Commission held the matter under advisement, and the Board proceeded with the duty of opening and canvassing the returns. Subsequently, the Commission sent for Judge Van Zile and asked him if he were prepared to prove his charge of polygamy against Mr. Caine, his answer being that he was prepared to prove the truth of it on the ground only that he presumed Mr. Caine to be a believer in polygamy. Upon this answer the Commission made the following ruling, covering the whole protest:

"The Commissioners having considered the communication addressed to us by Hon. P. T. Van Zile, hold:

"1st. That the objections in relation to the envelopes and ballots, and for the voting for the vacancy

for the Forty-seventh Congress ought to be overruled, because it is not shown that the law of the Territory or the orders of the Commission have been violated.

"2d. That a candidate for Delegate to Congress having other legal qualifications is eligible, unless he is actually guilty of entering into the condition of polygamy, bigamy or unlawful cohabitation with more than one woman, within the meaning of those offenses as described in the 1st and 3d sections of the act of March 22d, 1882, and that the objection in regard to polygamy should be overruled, unless it is specifically charged and proved that John T. Caine has been guilty of entering into a polygamist relation of unlawful cohabitation with more than one woman in the marriage relation."

This difficulty being overcome, the labors of the Board proceeded without interruption until the evening session, when Judge McBride, on behalf of Judge Van Zile, presented the following protest:

"*To Messrs. Sells, Goodwin, Dusenberry, Richards, and McLaughlin, members of the Board appointed to canvass the returns of the election for Delegate to Congress, held in the Territory of Utah, November 7th, 1882.*

"GENTLEMEN:—I hereby protest against the issuance of any certificate to any person—or any certificate of election to any person voted for as Delegate to Congress, either the Forty-seventh or Forty-eighth, at the election held on the 7th day of November, 1882, in the Territory of Utah, on the ground:

"That by law you are only authorized to receive the returns from the various precincts of the different counties of the Territory and make an abstract of the same, which abstract must be sent to the secretary's office and the Governor and the secretary are then required to canvass the same, and the certificate of election can only be issued by the Governor of the Territory to the person whom he shall find to have received the highest number of votes.

"Second:—I protest against any return of the vote at the late election aforesaid for the reason that the returns are incomplete in that the precincts of Pahreah and Johnson, in Kane County; Bluff City and Montezuma, in San Juan County; Arizona, in Sevier County; Deep Creek, in Tooele County; Leeds Precinct, Poll No. 1, in Washington County, and Pine Valley in the same county, have made no return of any vote to your Board; and any canvass at this time is premature.

"The above protest I make as a candidate voted for at the above election for Delegate to Congress.

"PHILIP T. VAN ZILE."

"SALT LAKE CITY, November 16th, 1882.

"This protest was overruled by unanimous vote of the canvassing board.

"ELIJAH SELLS, *Chairman.*"

This was debated by Judge McBride, claiming that the Commission, in authorizing the Board to issue a certificate, exceeded its power; he also claimed that all the Board had a right to do, under the law, was to canvass the returns and to report the result to the Governor of the Territory, whose duty it was to issue a certificate as provided in the Organic Act. He did not consider that the Edmunds bill divested the Governor of any power, holding that its operation was confined wholly to temporal officers; and that the Governor was exempted. General Ramsey, Senator Paddock, Judge Carleton and Colonel Pettigrew, all replied, defending the action of the Commission; their point was that the Edmunds bill vacated all registration and elective offices, "and that each and every duty relating to the registration of voters, the conduct of election, the receiving or rejection of votes and the canvassing and returning of the same, and the issuing of certificates, or other evidence of election, in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory, * * * be performed under the existing law of the United States and of said Territory by proper persons who shall be appointed to execute such offices and perform such duties by a board of five persons to be appointed by the President, by and with the consent of the Senate," etc. Under this authority the Commission had appointed this Board, after mature deliberation. The matter was submitted to the

Board of Canvassers, who joined in the discussion, and came to the conclusion that they had been appointed to perform a specific duty by the Commission, and that the legality of this duty rested entirely with the Commissioners, and all they could do was to perform the duty assigned them. They therefore proceeded to declare the result of the canvass and give the certificate to the person having the greatest number of votes. The returns showing that P. T. Van Zile had 4,884, John T. Caine 23,039, and scattering 12, Mr. Caine was formally declared elected and the certificate was signed by all the members of the Board, and in the presence of the Commissioners, and others present, handed to Mr. Caine. The board having concluded its labors, adjourned.

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## CHAPTER XCI.

ORGANIZATION OF "THE DEMOCRATIC CLUB OF UTAH." THE ELECTION WITH ITS TICKET IN THE FIELD. THE ORGAN OF THE CLUB—THE SALT LAKE *DEMOCRAT*.

In 1884, Utah for the first time took an active part and manifested a genuine interest in a presidential election. Theretofore the political parties had been so confounded, that the names Republican and Democrat were eschewed in our local politics; and though it may be noted for historical exactness that once every four years a few representative men on either side met together in our city to send delegates to the Republican and Democratic National conventions, there was no popular interest displayed in any local sense. But in 1884, the fair prospect of the return of the old Democratic party to power by the affiliation with it of a party of reform from the Republican leaders themselves, affected Utah scarcely less than it did other States and Territories; and in the fall of the year the celebrations in Salt Lake City of the Democratic victory vied with those of other cities, though still the party face here wore the unpleasant distinction of Mormon and Gentile features.

This year the Gentile Democrats of Utah sent Messrs. Ransford Smith and J. R. Wilkins to the national convention of the Democratic party, held at Chicago, July 8th, 1884, while Hon. John T. Caine has been for some time a member of the Democratic Congressional campaign committee, which recognition of Utah's delegate to Congress signified that Utah is regarded as a Democratic Territory. Messrs. Caine and Smith were rival candidates for the Delegate's seat in the Forty-ninth Congress, the former being the nominee of the People's Party, composed chiefly of Mormons, and Mr. Smith the nominee of the Gentile Democrats; but the campaign, in its local importance and interest, bore no equal comparison to that which occurred in 1882, narrated in the foregoing chapter.

At the first exultation of the Democrats of Salt Lake City, over the election of Cleveland and Hendricks, there seemed a fair prospect that Gentile and Mormon were about to recognize each other as political brothers, on the return of the "Grand Old Party" to power. "Late in the afternoon of the 7th," says the *Salt Lake Herald*, "a movement was started for the assembling of the principal Democrats, to consider the question of having a monster meeting of the party for jollification and rejoicing generally. The news spread as if by magic, and, without any effort by any one in particular, there came together at the Deseret National Bank about fifty of the representative men of the party." Col. Samuel A. Merritt was voted to the chair, and committees of arrangements and finance were appointed; Saturday evening, November 8th, was named for the celebration with the understanding that every Democrat in Utah should be welcomed to take part in the general rejoicing. Telegrams were immediately dispatched to neighboring cities, north and south; and the committees met that night, and again on the morning of the 8th, but the offensive distinction of Mormon and Gentile disturbed the momentary harmony, and the project of the two classes uniting in the celebration was abandoned. The general public, however, had caught the enthusiasm; and another movement was started "to paint the town red" that night, the late William Jennings promptly leading the financial donations.

At sundown one hundred guns were fired from the head of Main Street—those guns for the first time heard since Governor Shaffer's proclamation in 1870. Piles of barrels filled with tar were waiting for the torch at the Deseret Bank corner, and at the City Hall, which, as soon as darkness spread over the city, were ignited, and blazes of red light from the *Herald* office corner and the housetop of Godbe's Exchange Buildings, illuminated the scene. At about 7 o'clock, the multitude which had gathered in front of the *Herald* office began to move in the direction of the City Hall, following numerous bands of Salt Lake, Ogden, and Provo, rending the air with shouts for Cleveland and Hendricks, and swelling the general joy with exultant music.

From the balcony of the City Hall Hon. Wm. Jennings called the assemblage to order, and proposed Hon. John T. Caine, "our Delegate to Congress, and Utah's Representative in the Democratic Congressional Campaign Committee," to preside at this meeting.

Delegate Caine, in a brief speech, which had the true Democratic tone, gave a fair political character to the occasion. He was followed by Mr. A. Miner and Judge Warren N. Dusenberry; after which the chairman introduced Hadley D. Johnson, the "Old War-horse of Democracy," who was received with cheers. "Professor" S. P. McKee, a representative of the colored Democracy, was next called by the multitude, and T. V. Williams, S. A. Kenner and H. J. Faust closed the speeches; but before dispersing, Mr. Caine announced that the *Herald* had just received a private dispatch from an authentic source in New York, saying that Cleveland's election was conceded by two thousand majority. The announcement was answered with cheers from thousands of Democratic voices, after which the meeting adjourned, but a large portion of the multitude reassembled in front of the *Salt Lake Herald* office.

The following dispatch from the committee was sent to the president elect:

"SALT LAKE CITY, UTAH, November 8, 1884.

"*To Hon. Grover Cleveland, Albany, New York:*

"Ten thousand citizens of Salt Lake, to-night are enthusiastically celebrating your election. Their joy is as sincere and honest as their jollification is demonstrative. We heartily greet you because of our confidence that your administration will be as pure and glorious as has been your administration in the Empire State, which has sustained you in the great struggle just ended. Accept our warm congratulations.

"JOHN T. CAINE, *Chairman.*"

On Wednesday, November 19th, the regular Democrats held a meeting at the Walker Opera House to celebrate the signal victory of their party; and they also "painted the town red," and a troop of torch-bearers paraded the streets.

The outside demonstration having performed its part in the proceedings of the evening, the assemblage inside took up the programme, and Judge Rosborough was chosen chairman of the meeting.

The chairman came forward and delivered an introductory address, chiefly directed against the Mormon Church, declaring it to be, in its aims and genius, repugnant to the genius of this Nation.

Judge Sutherland followed with a masterly effort, reviewing the history of the rise and growth of the Nation under the rule of the old Democratic party and elaborating the principles of Democracy.

Captain Ransford Smith, who had then recently ran his unvictorious tilt with John T. Caine for the Utah seat in Congress, in his speech declared that it had been "left to the Democrats to wipe out the remaining twin relic;" and he read out all polygamists from the Democratic party.

Hon. Thomas Marshall was the next speaker. He compared the records of the Democratic and Republican parties, very ably discussed the tariff question, and closed on "the triumph of the party of right."

Professor L. E. Holden read a speech, ably prepared, on the questions of the hour.

P. L. Williams was next introduced as a representative of "Young Utah," and he delivered a characteristic anti-Mormon address.

D. B. Canfield, publisher of the American *Law Register*, of Philadelphia, closed, and the meeting adjourned.

Meantime, however, namely—between the action of the election for delegate in 1882, and that of 1884—a young Democratic party was projected, the nucleus of which consisted chiefly of young men reared in Utah, born of Mormon parents. The name of "Young Mormondom" had already become quite familiar to the public ear, and Van Zile in his campaign earnestly courted their favor and vote. The presidential election of 1884, also gave to them the opportunity of a political formation, under the name of the Democratic club of Utah.

The following is from notes of their history, as officially given in the first number of the Salt Lake *Democrat:*

"Among those most thoroughly dissatisfied with the deplorable condition of political affairs in this Territory, and whose devotion to Democratic principles

would permit them to co-operate with neither the Liberal nor People's party elements, were J. L. Rawlins, Alfales Young, Frank Jennings, Ben Sheeks, John M. Young, John H. Burton, Bolivar Roberts, L. S. Hills, D. O. Miner, J. T. Kingsbury, C. R. Barratt and H. Pembroke. These gentlemen discussed the matter among themselves, and, as a result of their deliberations, held a meeting in the law office of Messrs. Sheeks & Rawlins on the evening of November 12th. Alfales Young presided over this meeting, and preliminary steps were taken in the organization of the Democratic club of Utah."

A temporary organization having been perfected, the next important step was the adoption of a platform of principles. After some discussion the following platform was unanimously adopted:

"This club shall be known as the Democratic Club of Utah.

"The members of this club do hereby reaffirm and endorse the principles embodied in the platform adopted by the national convention of the Democratic party, held at Chicago on the eighth day of July, 1884.

"For a more specific statement of the principles to which the members of this club will adhere and struggle to make predominant we do hereby declare:

"First—That the affairs of the government can be safely entrusted to the intelligence of free people.

"Second—That all just government is derived from the consent of the governed. That every citizen should be allowed the exercise of the largest liberty consistent with the public good and safety.

"Third—That in such government a trust is devolved upon every citizen, after informing himself upon any question of policy or government, to act, politically, as his best individual judgment would direct, absolutely free from coercion, control, or dictation, ecclesiastical or otherwise. While the State has given a constitutional pledge not to interfere with religion, there is a reciprocal obligation on the part of religion not to interfere with the State. For it to do so is dangerous, both to itself and the existence of free government. This would become the more evident, if each of the many denominations should independently engage in a struggle for political supremacy.

"Fourth—Politically, all men are created free and equal, the priest and the layman must stand upon the same plane. Therefore, we reaffirm that the affairs of church and State ought to, and must be forever separate and distinct, locally and nationally.

"Fifth—Local self-government is a cardinal principle of Democracy, and as such we affirm and endorse it. On the one hand, a local political organization appeals for the abrogation of all local self-government in this Territory by the establishment of a legislative commission. On the other hand an opposing political organization has afforded, by the conduct and declarations of its most influential members, the means by which the former might make its appeal successful.

"Sixth—The withdrawal of all powers of government from the people, implied in the establishment of a legislative commission, would be to remove all inducement or encouragement to political activity and independence, and by the lethargy which would ensue, engender utter indifference to the exercise of free and intelligent political thought and action. This would but aggravate the evils which

it is designed to cure, and can, of course, find no support, except by those who believe the application of free principles inadequate to human government.

"Seventh—To obtain local self-government, the Territory must be redeemed from the discredit that has been brought upon it.

"Eighth—We firmly repudiate the idea that any citizen is under obligation to take his political counsel from those whose avowed purpose is a continued violation of law.

"Ninth—We shall struggle to make predominant the sentiment that every citizen should and must obey every law until, by legitimate agitation, if obnoxious or unjust, its abrogation or repeal can be secured.

"Tenth—Religious belief or fidelity should never be made a test of political or official preferment. The application of such a test tends to the promotion of an inferior grade of officials, and often of persons utterly disqualified or unfit for the positions they are called to occupy. In the selection of officers to administer and execute the laws, fitness for the office should be the only qualification required.

"Eleventh—To the end that free local self government may be secured and participation in national affairs had and maintained, upon the basis of these principles, we severally pledge ourselves to support them and to struggle that they may become predominant, and invite all good citizens, who believe that the principle thus enunciated should be supreme, irrespective of religious belief, or previous political affiliations, to unite with and aid us to consummate this end.

"J. L. RAWLINS, *President.*

"JOHN H. BURTON, *Secretary.*"

The organization of the club was perfected by the election of the following officers: J. L. Rawlins, president; Alfales Young, vice-president; L. S. Hills, treasurer; Geo. A. Meears, corresponding secretary. At the annual election held in January, the above officers were all re-elected with the exception of George A. Meears, who was succeeded by Professor J. T. Kingsbury.

Several hundred copies of the following circular were mailed to possible friends of the movement. Replies were received in several instances, which in the main gave but faint sign of appreciation. It was headed:

"J. L. Rawlins, president, Alfales Young, vice-president, John H. Burton, secretary, George A. Meears, corresponding secretary, Lewis S. Hills, treasurer, Theodore Burmester, Charles A. Clark, J. G. Sutherland, A. L. Williams, John M. Young, Ben Sheeks, Frank W. Jennings, J. T. Kingsbury, executive committee; A. L. Williams, chairman executive committee; John M. Young, secretary executive committee.

"HEADQUARTERS DEMOCRATIC CLUB OF UTAH,

"Salt Lake City, Utah,———188—

"*Dear Sir:*—As a representative Democrat of the county in which you reside, we submit herewith for your consideration the platform of the Democratic party, as adopted by the National Democratic Convention, and also the platform of the Democratic Club of Utah. We desire, for the purpose of the furtherance of Democratic interests, the establishment of kindred organizations in every county of this Territory, and would be pleased to have you procure the organiza-

tion of a Democratic Club at your very earliest convenience, so that your club may advise us of the probable strength of the party in your vicinity.

"Immediately after its establishment, we will, upon receipt of the names of the officers and members of your club, enroll them as honorary members of this club, with your president as one of the vice-presidents, so that thereby a community of interest may be maintained for mutual advantages.

"We respectfully ask that you acknowledge the receipt hereof, by return mail if possible, that we may know of your intentions. If it be impracticable for you to proceed to the creation of such a club as we propose, will you kindly inform us of your opinions regarding the project, so far as it affects your neighborhood?

"We send you a copy of our by-laws, and will be pleased to assist you in any way towards the organization of your club.

"By order of the executive committee.

"———— Corresponding Secretary."

The harmony of the Young Democracy of Utah split upon the same rock as that of the old Democrats, whose inharmony in the recent celebration they had censured. Section 8 of the platform caused much feeling among the members of the organization, and was the precursor of secession, which finally distracted the ranks.

The obnoxious section was finally stricken out and the platform adopted as amended; but it was plain to see that no unity could be maintained. The revulsion of feeling engendered by the remarks of some of the representative speakers on the occasion of the ratification meeting of the club led to the result predicted by conservatives. The organization was ignored by all the political fragments in the Territory, and as the old Liberal party especially loved it not, but a meagre showing was made at the election wherein the Democratic Club nominees ran against the People's ticket.

The old Democrats of the city were rather chagrined than pleased with their occupancy of the field in the Democratic name and held a counter meeting before the election day with Major Nounan and Camp Douglas band to expound old Democracy to young Utah. The occasion partook much of the character of a burlesque, which the old Liberal party of Utah helped to display. Thus ended our politics of the year 1885.

The Young Democrat party of Utah, however, continued in their work during the year 1885, started the Salt Lake *Democrat*, March 2d, 1885, held political out-door meetings and ran the following ticket in the Territorial election of that year:

"For councilors to the Legislative Assembly, from the council district comprising Salt Lake, Davis and Tooele Counties—Robert C. Chambers, Joseph L. Rawlins, John A. Marshall, C. E. Mitchener; for representatives to the Legislative Assembly from the representative district comprising Salt Lake, Davis and Morgan Counties—William G. Sharp, Joseph M. Benedict, Abram F. Doremus, A. L. Williams, H. D. Rippeto, Stephen Hales; for the county superintendent of schools for Salt Lake County—Joseph T. Kingsbury; for selectman for Salt Lake county—Bolivar Roberts."

The vote cast for the above was so amazingly small, that the movers lost all hope of bringing about a revolution, and indeed, the encouragement extended was, to say the least, not very inspiring. It was at once tacitly understood that no further efforts should be made under that banner. Since that time, but few references to the outcome have been made. The enemies of the cause speak only occasionally by way of ridicule, while its friends seldom find it advisable to speak boastingly.

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## CHAPTER XCII.

### DIGEST OF THE MUNICIPAL ADMINISTRATION. CITY NOTES.

In the foregoing chapters of this history, there has regularly appeared, from time to time, the record of the action and resolutions of the city council, so far as they entered into general affairs and events transpiring in the city or were related thereto; in this chapter we give a digest of the municipal administration with city notes and references; thus presenting the whole in a connected narrative before the eye of the reader. It may be further observed that the subject matter following is copied from the city recorder's books, with the exception of the author's historical linkings and explanations.

"STATE HOUSE, G. S. L. CITY, January 11, 1851.

"An ordinance having been passed by the General Assembly of the State of Deseret, January 9th, 1851, incorporating Great Salt Lake City, which received the sanction of his Excellency Governor Brigham Young, Jedediah M. Grant, mayor, Nathaniel H. Felt, William Snow, Jesse P. Harmon and Nathaniel V. Jones, aldermen, and Vincent Shurtliff, Benjamin L. Clapp, Zera Pulsipher, William G. Perkins, Harrison Burgess, Jeter Clinton, John L. Dunyon and Samuel W. Richards, councilors, met pursuant to notice from the clerk of Great Salt Lake County Court, in the state house and having been severally sworn to observe the Constitution of the United States and this State, they organized in due form.

"The ordinance incorporating Great Salt Lake City was then read by the clerk of the county, when the mayor informed the council that it would be necessary to appoint a recorder, treasurer and marshal for the city.

"Motioned that Robert Campbell be the recorder of Great Salt Lake City. Seconded and carried.

"Motioned that Elam Luddington be the marshal, and assessor and collector of Great Salt Lake City. Seconded and carried.

"They being notified of their appointment, appeared and accepted their offices.

"His Excellency the Governor, addressed the council, and said, you have now been sworn to fulfil the duties of your office; the next thing will be to file your bonds, then attend to such business as shall be for the welfare of the city. You will have to regulate markets; keep streets clear; remove nuisances; you will want a city police, city inspectors, and you will appoint the different officers,

who will see to the cleanliness of the city. The municipal council will meet in every month, and the city council as often as necessary.

"D. H. Wells, attorney-general of the State, addressed the council and said, 'I am very glad that the city council is now organized. I hope to see the officers proceed in seeing that the original design of beautifying the city by planting trees in the streets is carried out, and that the water is carried into its proper channels and not run down the middle of the streets.'

"The governor suggested to the city council to appoint a supervisor of streets and levy a tax forthwith, and said to the council: 'You will attend to the duties of your office in this time and receive your pay in the next time; but as aldermen and magistrates they will receive their fees;' he wished them to counsel the Saints not to go to law one with another.

"The mayor, Jedediah M. Grant said, 'I am on hand to do what good I can, and the council have similar feelings In my opinion it should be the pride of this city council to be men of piety, and men that will do their duty, and have a pride in it. We should work for the welfare of the people, as we have the license to do all the good we can. We should move what nuisances there may be in the city. We should be constantly awake to the interests of the city, have as little law as possible, and attend to peace and good order, and as we know what is right have the firmness to do it.'

"The clerk then read the rules of the city council of Nauvoo, which had been appointed by the Prophet Joseph Smith, defining their duties which are somewhat similar to the rules of Congress and those of the Legislature of Deseret. At 12:30, on motion adjourned to 2 P. M.

"THOMAS BULLOCK, *Clerk of G. S. L. County Court.*

"2 P. M.—City council met. Roll called, majority present. Robert Campbell sworn in as city recorder, Thomas Rhodes, treasurer, and Elam Luddington as marshal and assessor and collector, by the clerk of county court.

"The mayor brought forward the subject of a division of the city into wards for city purposes.

"The mayor stated that the Governor has recommended the city divided into four wards, that the only thing to be attended to is the boundary lines—it would require an alderman in each ward.

"Councilor Clapp recommended that East Temple Street be the dividing line for the eastern and western wards so that Emigration Street and South Temple Street would form the boundaries of the wards.

"The county clerk then laid a city plat before the council, and at the suggestion of the Governor the following wards were laid out from the map and their proper boundaries designated in the following manner as the jurisdiction of the city aldermen:

"Jesse P. Harmon, 1st ward.—Bounded on the N. by S. 3d St., S. by southern limits, W. by East Temple St., E. by eastern limits.

"Nathaniel V. Jones, 2d ward.—E. by East Temple St., S. by southern limits, W. by Jordan River, N. by South Temple St.

"Nathaniel H. Felt, 3d ward.—E. by East Temple St., S. by South Temple St., W. by Jordan River, N. by northern limits.

"William Snow, 4th ward.—E. by eastern limits, S. by 3d S. St., W. by East Temple St., N. by northern limits.

"Mayor instructed the marshal asassessor and collector to proceed to assessing property and levying a tax. Mayor appointed Aldermen N. V. Jones, Harrison Burgess, Vincent Shurtliff and S. W. Richards a committee on finance.

"GREAT SALT LAKE CITY, STATE HOUSE, January 13, 1851.

"The secretary of State said that the Old Fort had been declared a nuisance two years ago by the council, and the grand jury had referred it to the highest court.

"Governor Young spoke of the right that this city council had in determining that it should be removed; as for making provisions for property sacrificed by its removal, it does not come under the purview of this city council. If a man has bought property then he can refer the matter to the bishops to adjust all difficulties that may arise therefrom.

"The committee on municipal laws presented a bill for an ordinance requiring the public ground on which the Old Fort now stands to be vacated by the first of April next, Council adjourned till 2 P. M.

"An ordinance was presented to the council by Alderman Felt requiring holders of lots to set out trees, for the improvement of the city, in front of their lots, within a reasonable time.

"A discussion ensued by the mayor, Councilors Pulsipher, Burgess and Clinton, recommending the Balm of Gilead, Cottonwood and such trees as would tend to beauty and usefulness.

"The mayor said the citizens are too dormant in the setting of trees. Suggested that certain men should be appointed for this purpose who understood it; if neglected the men appointed may do it at the expense of those holding them."

"STATE HOUSE, G. S. L. CITY, January, 16, 1851.

"Appointment of supervisors of shade trees. On motion of Councilor Clapp, Charles Drown was appointed supervisor of public streets in the city.

"Motioned that Samuel Moore be assistant supervisor of 3d city ward. Carried.

"Motioned that Thomas Thurston be assistant supervisor of 2d city ward. Carried.

"Motioned that Stillman Pond be assistant supervisor of 1st city ward. Carried.

"Motioned that Heman Hyde be assistant supervisor of 4th city ward. Carried."

"POST OFFICE, G. S. L. CITY, February 1st, 1851.

"Alderman Felt expressed himself doubtful as to the jurisdiction of this board over the waters of the city as an infringement upon the legislative powers of the bishops who had the prior right of control before the city organization.

"The mayor contended that the bishops virtually resigned their jurisdiction over the waters, and it is now thrown upon us.

"On motion Jacob Gibson was elected sexton of Great Salt Lake City."

"STATE HOUSE, January 30, 1851.

"The committee on municipal laws presented an ordinance called 'An ordinance dividing the city into wards.' After its third reading it passed the council.

"A petition was presented by Brigham Young and others praying for a charter for constructing a railroad from different points of the city to the Red Butte Canyon and mountain south of the Red Butte Canyon to convey stone and other material."

"STATE HOUSE, March 24th, 1851.

"On motion, the council ordered fifty copies of the city ordinances to be published forthwith.

"On motion, Robert Campbell was appointed clerk of the ensuing election."

The literal record of the acts and business of the original city council is given, as it exhibits the simple process and methods by which this municipal government of Salt Lake City was evolved; and this exhibit is more pertinent from the fact that nearly all writers, who have described the early government of our city, have made it appear that it was purely ecclesiastical, proceeding from devices of church councils; how much of this statement is correct, the foregoing notes from the city recorder's books will show.

It will be observed that the original city council was not elected by the people, but created by the Legislature of the State of Deseret, according to the closing section of the city charter:

"Sec. 47. The mayor, aldermen, and councilors of said city shall, in the first instance, be appointed by the Governor and Legislature of said State of Deseret; and shall hold their office until superseded by the first election."*

It will also be observed that the Governor of the State (Brigham Young), the Secretary of the State (Willard Richards), and the attorney-general of the State (Daniel H. Wells), took part in behalf of the commonwealth, and as representing the Legislature, and that they made several initial suggestions and remarks for the purpose of harmonizing the first business of the city council with previous acts of the State. This action of the State—through its Governor, Secretary and Attorney-General—occurs merely in the two first sessions of the council, during the very process, in fact, of the creation of the provisional city council. After the election of the city council by the people, in April 1851, there is no interference of the State, whatever, in the municipal business, the city government being no longer as the ward of the State, but a creature of the people.

If, in the formation of this city government, there should seem to the reader a relic of the primitive features of a colony, the explanation is very simple: All Utah at that date *was a colony*, and was under the provisional government—State, county and city—which the people had formulated in the capacity of a colony.

The provisional government of the State of Deseret was, as before noted, set up in March, 1849; Salt Lake, Davis, Weber, Utah, Sanpete, Tooele and Iron counties were organized by this provisional State government in 1849-50; and Salt Lake City, Ogden City, Manti City, Provo City and Parowan City were in-

*See city charter, Chapter IX. of this HISTORY, page 72.

porated by the State in January, 1851, previous to the arrival of the news of the passage of the Organic Act of the Territory; hence a slight tracing is found of the provisional government in the opening of our municipal business.

It is further seen, in the city notes, that the bishops of the wards of "Great Salt Lake City," are named by Alderman Felt in relation to the water question. The explanation is that those bishops had been duly elected magistrates of those wards by the people on their State ticket, nearly two years prior to the city incorporation;* and they were, therefore, up to the formation of the city council, the proper executive officers in all such local matters; but the mayor decided that these magistrates (the bishops) were superseded by the organization of the city council, and the members of the council coincided. After that decision, as the records show, the affairs of the city, in every department, have been administered through regular municipal methods, upon the ordinances passed by the city council.

On the first Monday in April, 1851, the first municipal election for Great Salt Lake City was held as provided for by the charter, and the following members were returned:

Mayor—Jedediah M. Grant. Aldermen—Jesse P. Harmon, First ward; N. V. Jones, Second ward; Nathaniel H. Felt, Third ward; William Snow, Fourth ward. Councilors—Lewis Robinson, Robert Pierce, Zera Pulsipher, Wm. G. Perkins, Jeter Clinton, Enoch Reese, Harrison Burgess, Samuel W. Richards, Vincent Shurtliff.

The members elected took the oath of office at their first session, held at the state house, April 14th, and proceeded at once to business. One of the acts of the opening session was to appoint Dr. Jeter Clinton as physician to attend on the quarantine ground during the season of emigration.

The city council from the onset attempted to suppress the sale and use of intoxicating liquors of every kind, and so far as necessary for medicinal purposes, to strictly control it by the city authorities. Here are the council notes:

"BOWERY, G. S. L. CITY, June 21st, 1851.

"After mature discussion the council instructed the committee to draft an ordinance regulating the sale of intoxicating liquors within this corporation and providing for its immediate inspection, and placing all liquors brought for sale within the limits of the city in the hands of such physician or physicians as may be appointed by this council.

"BOWERY, June 23, 1851.

"The committee also introduced an ordinance regulating the sale of spirituous liquors and appointing an inspector of liquors to give proof of the same and giving said liquors in charge of the marshal to be handed over to the physician or physicians for sale."

In November, Mayor Grant left the city for the Eastern States, and the council appointed William Snow president *pro tem.* in his absence, during which time nothing of marked importance occurred.

In July, 1852, Mayor Grant returned from the States.

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*See this HISTORY page 59.

In October following, the city council adopted measures to organize fire brigades throughout the city. A resolution was passed authorizing the Bishops in their several wards to organize a fire company for each, to elect their own officers, furnish their own apparatus and report to the council.

In 1853 the municipal election resulted as follows:

Mayor—J. M. Grant. Aldermen—N. H. Felt, William Snow, Abraham Hoagland and Jesse P. Harmon. Councilors—Zera Pulsipher, Wm. G. Perkins, Lewis Robinson, Harrison Burgess, Jeter Clinton, Enoch Reese, Seth Taft, Elijah Sheets and Joseph Horne. Recorder—Robert Campbell. Marshal and Assessor and Collector—Jesse C. Little. Treasurer—Hiram B. Clawson. Supervisor of Streets—A. P. Rockwood.

On June 25, 1853, Enoch Reese was removed, and Bryant Stringham was appointed in his place.

September 9, 1854, A. H. Raleigh was appointed alderman of the Third Municipal Ward to fill the vacancy occasioned by the resignation of N. H. Felt, who had gone on business to St. Louis; at the same time A. O. Smoot was appointed alderman of the Sugar House district, in the First Municipal Ward, and S. W. Richards was appointed a councilor to fill the vacancy of Jeter Clinton, who had gone on business to New York.

A. H. Raleigh and S. W. Richards were added to the committee on finance; and A. O. Smoot, S. W. Richards and A. H. Raleigh were added to the committee on municipal laws.

At its session, Oct. 21st, a resolution was passed instructing the committee on revision to examine, revise and prepare the ordinances and resolutions of the city council for publication; and another resolution was passed instructing the recorder to get them published in book form and furnish the members of the council and the officers of the city, each with a copy of the same. This was the first book of municipal laws published.

The city election of 1855, was held at the Council House, on Monday, March 5th, when the following were elected:

Mayor—Jedediah M. Grant. Aldermen—First ward, Jesse P. Harmon; Sugar House District, A. O. Smoot; Second ward, Abraham Hoagland; Third ward, A. H. Raleigh; Fourth ward, Wm. Snow; Councilors—Ira Pulsipher, Seth Taft, William G. Perkins, E. F. Sheets, Lewis Robinson, Bryant Stringham, Harrison Burgess, S. W. Richards and Joseph Horn.

The committees of the council by this time were well defined. They now stood:

On municipal laws—Wm. Snow, A. O. Smoot, A. H. Raleigh. On improvements—J. P. Harmon, Zera Pulsipher, Joseph Horn, Bryant Stringham. On finance—Harrison Burgess, S. W. Richards, A. H. Raleigh. On revision—Robert Campbell, Harrison Burgess, E. F. Sheets, A. H. Raleigh. On ways and means—Bryant Stringham, Jesse P. Harmon, A. O. Smoot. On claims—Abraham Hoagland, E. F. Sheets, Harrison Burgess. On unfinished business—Seth Taft, Zera Pulsipher. On elections—Lewis Robinson, Abraham Hoagland. On police—Joseph Horn, E. F. Sheets. On public grounds—Seth Taft, Lewis Robinson. On Public works—Abraham Hoagland, W. G. Perkins.

*City officers*—Board of examination of teachers—Orson Hyde, Albert Carrington, W. W. Phelps. Captain of police—L. W. Hardy. Water master—Phineas W. Cook. Sexton—Jacob Gibson. Surveyor—J. W. Fox. Sealer of weights and measures, inspector of spirituous and malt liquors—Robert Campbell.

On the morning of June 29th, 1855, the Hon. Judge Shaver was found dead in his bed, in Great Salt Salt Lake City. The council paid due honor to his memory; and Mayor Jedediah M. Grant preached his funeral sermon.

In July (20th), 1856, the liquor question came up again on a petition presented from Mr. Sanford for a license to sell spiritous liquors. The following are the notes of the discussion in the council at its session:

"A petition was presented from Mr. Sanford for license to sell spirituous liquors. The ordinance declaring distilleries, breweries, liquor and beer shops in Great Salt Lake City a nuisance, was read to the council.

"The mayor stated that Mr. Moon and others had now closed business in the sale of liquor. Since that period, Messrs. Sanford, Banning & Co., had brought a quantity of liquors into the city, had sold no liquors only as he (the mayor) had by order given permission—and now he left the matter with the council to say whether they would repeal the prohibitory ordinance and make one to meet the case before them or continue the present ordinance. Said no doubt quantities of liquor would be imported during the season, spoke of the peace, harmony and good effects produced by enforcing the existing law, but left the matter entirely with the council.

"S. W. Richards made some excellent remarks on the good effects produced by the working of the existing law; he considered that the present regulation was necessary and the discretionary power now exercised by the mayor in granting permits to obtain liquor in small quantities was quite sufficient for any emergencies and contingencies that might arise.

"E. F. Sheets felt to acquiesce in the remarks of the last speaker, and urged the continuation of the existing ordinance.

"H. Burgess would sustain the course taken by the mayor in the disposal of liquors.

"A. H. Raleigh took rather a different view from the gentleman who had previously spoken, that the ordinance declaring the manufacture and sale of spirituous liquors a nuisance, was passed at a time when drunkenness and disorder seemed to be very prevalent in our streets, and had a very salutary effect in putting a stop to the evil, that that law had produced the effect it contemplated—that now he did not consider any inpropriety in repealing it. He did not think the liquor and beer shops were an evil of themselves, but it was the abuse the public made of them that created the nuisances; and thought this council might repeal the ordinance and grant the gentleman a license.

"A. Hoagland did not think that this community was so perfect yet, or that the time had come that we could with propriety grant licenses, but felt to give the mayor discretionary power to regulate the sale of it.

"S. W. Richards considered that there was sufficient to annoy and disturb the peace of society last season when grog and beer shops were everywhere open to the public. He was satisfied that were the ordinance repealed and the licenses granted, we should be called upon to give a score of licenses, and hoped the gentleman would withdraw his petition. (Here Mr. Sanford withdrew his petition.)

"The following was offered:

"*Resolved*, by the city council of Great Salt Lake City, that discretionary power be and hereby is vested in the mayor of said city, to regulate the sale of intoxicating liquors within the limits of the corporation of said city.

"It was moved and carried unanimously that the resolution pass."

On the 1st of December, 1856, Mayor Jedediah M. Grant died at his residence in the City at 20 minutes past 10 o'clock p. m., and on the following day, at 1 o'clock p. m., the City Council held a special session relative to the City's bereavement; and Daniel Spencer, President of the Stake of Zion, being invited, was present. Alderman Snow was called to the chair.

The following are the minutes of that special meeting:

"The recorder directed notices to the aldermen and city council to convene to deliberate upon measures respecting the interment of its honored head, the Mayor, Jedediah M. Grant, who died the previous evening, the 1st inst., at 20 minutes past 10 o'clock, at his residence.

"At 1 p. m. all the council convened except Councilor Burgess. Daniel Spencer offered the opening prayer.

"The marshal and deputy marshal, who had been appointed by His Excellency Governor Young, a committee to make arrangements for the funeral of the deceased, were present.

"Marshal Little suggested to the council that the city was without a pall to use on funeral occasions, that he, as sexton, had selected two lots in the graveyard for the deceased and family, and wanted to be advised if they designed following him to the grave in the capacity of a council, and of any measures the city might adopt in relation to the burial.

"Deputy Marshal Hardy said as the city was without a pall, hearse or carriage devoted to funeral purposes, he hoped the council would devise means to inter the dead with proper respect, and suggested also that a proper head and foot stone be placed at the grave of the deceased.

"The council took into consideration the suggestions made by the committee and adopted the following resolution:

"*Be it resolved by the city council of G. S. L. City*, That we deeply lament the loss by death of our late President and Mayor, Jedediah M. Grant, and that the marshal, J. C. Little, and Deputy Marshal L. W. Hardy, be instructed to make such arrangements for his burial as in their wisdom may be deemed most suited to the importance of the occasion.

"It was motioned by S. W. Richards, and carried, that the city appropriate two lots to be selected by the sexton for the burial of the dead and use of the family of the deceased.

"It was motioned and carried, that this council appropriate out of the city treasury a sufficient amount to defray the expenses incurred by the committee of arrangements in the interment of the deceased mayor.

"The council consulted upon further measures for attending the funeral obsequies of the dead, and publishing expressions of their respect and esteem for his memory, and a committee was appointed consisting of S. W. Richards, A. H. Raleigh and A. O. Smoot, to draft a preamble and resolutions and report their doings this evening.

"President Spencer expressed his satisfaction at the proceedings of the meeting.

"The council adjourned to meet at 6 p. m. at this place. Benediction by A. O. Smoot."

The council met at 6 o'clock p. m., and the committee on preamble and resolutions submitted the following, which were adopted:

"*Whereas*, It has seemed good in the ordering of the dispensations of Almighty God to take from us by death, our beloved mayor, Jedediah M. Grant, a man in Israel whose intrinsic worth was but in a very limited degree represented by the important stations he so ably filled, as one of the First Presidency of the Church of Jesus Christ of Latter-day Saints; as mayor of Great Salt Lake City since its incorporation, as major-general of the Nauvoo Legion, and for a succession of years as speaker of the House of Representatives in the Legislative Assembly of the Territory of Utah; and one whose character and life as a citizen, husband and father, endeared him to every honest and virtuous person with his familiar associations,

"*Be it Resolved*, That while we recognize the hand of God in all things we most deeply lament the loss we have sustained as a council in the removal of our president, and we sincerely sympathize in common with the citizens in the bereavement sustained by his family, relatives and friends.

"*Resolved*, That we in a body attend the funeral ceremonies to be held at the Tabernacle at 10 o'clock A. M., on the 4th inst., and that each member and officer of the council wear a badge of crape thirty days on the left arm, significant of our heartfelt sympathy and respect for the departed.

"*Resolved*, That the foregoing preamble and resolutions be published in the *Deseret News*.

"The committee on arrangements selected Aldermen Snow, Harmon, Raleigh, Smoot, Councilors Horne, Taft, Richards and Davis, bearers; they also instructed the city council to be at the residence of the deceased, at 9 o'clock A. M., to take carriages to join the funeral procession.

"The council adjourned. Benediction by A. O. Smoot."

The following was the military order of proceedings at the funeral of Major-General Jedediah M. Grant, Dec. 4th, 1856.

"1st. At 9 o'clock a. m., an escort will be formed under the command of Lieutenant Gen. D. H. Wells, in front of the residence of the deceased.

"2d. At half-past 9, the military will be formed in open lines extending from his residence to the Tabernacle, through which the corpse, preceded by a band of music will be conveyed, followed by his relatives, friends and members of his staff. The bands in waiting in the Tabernacle will play alternately until the procession be seated.

"3d. At 10 o'clock the services will commence.

"4th. At 12 o'clock, the services being ended, the procession to convey the body to the cemetery will be formed as follows:

"An advanced guard; band of music; lieutenant-general and staff; escort, (cavalry); lancers; first presidency, twelve and presiding bishop; eight bearers; hearse conveying corpse, covered by the deceased major-general's staff; major-general's horse, fully caparisoned and led by his groom; family and relatives;

band of music; city council; presidency of stake and council; high council; bishops; members of the Legislative Assembly; members of Masonic Fraternity; friends and citizens in carriages; band of music; rear of the escort, cavalry and infantry; citizens generally (on foot.)

The proceedings of the day were under the direction of J. C. Little and L. W. Hardy."

At its session, January 2d, 1857, the city council deliberated on the subject of filling the vacancy caused by the death of the late mayor, and A. O. Smoot was appointed to fill the vacancy.

On the first Monday of April, 1857, the regular election confirmed this selection by the popular vote. The result of the election of April 6, 1857 was:

Mayor—A. O. Smoot. Aldermen—J. P. Harmon, Abraham Hoagland, A. H. Raleigh, William Snow and Edmund Ellsworth. Councilors—Zera Pulsipher, Harrison Burgess, Joseph Horn, Wm. G. Perkins, Seth Taft, E. F. Sheets, Samuel W. Richards, Nathan Davis and Nathaniel V. Jones.

In May, 1857, A. O. Smoot was selected (with Feramorz Little, Ephraim K. Hanks, John R. Murdock and others) by the "Y. X. Company" to carry their mail and establish mail stations along the route from Salt Lake City to Independence, Missouri. He started with the mail June 2d; but previous to his departure, at a meeting of the city council, May 15th, he stated that he should be absent for several months and suggested the appointment of A. H. Raleigh to act in his stead, whereupon the council elected Alderman Raleigh mayor *pro tem.**

On his arrival at Independence with the mail, Mayor Smoot learned news of the orders of General Scott to the army designed for Utah, and the repudiation of the mail contract by the government; and he hastened back to Salt Lake City, which he reached on the evening of July 23d, and on the 24th, carried the news to the pioneers, who were celebrating their tenth anniversary in Big Cottonwood. Soon thereupon the Territory was put under martial law, but Great Salt Lake City was continued under the municipal rule very much as before, subject merely to the general bent of affairs.

The mayor was in charge of the city during the war period when the citizens arose to arms and went out to Echo Canyon to prevent the entrance of the army that year; and in the spring the people moved south, but a strong detail of the police force was left in the city to lay it in ashes should the order be given by the acting Governor, Brigham Young, to prevent its occupation by the army. Meantime Col. Thomas L. Kane arrived, and with Governor Young and his counselors, entered into preliminary arrangements of peace, whereupon Governor Cumming entered the city amid welcomes by the citizens, but the people, notwithstanding, in the spring of 1858, moved south to await the faithful performance of the peace compact; after which they returned to the city and the municipal council resumed its suspended control.†

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*See Mayor Smoot's letter, page 156 of this history, and chapters XVI and XVII generally in relation to the mail contract, the Buchanan expedition, and the arrival of Mayor Smoot on the 23d of July with the news of the coming of the army.

†For the full record of events of those times, and the affairs generally, see chapters XVI to XXVII.

After the return of the people from the south and the resumption of the municipal rule, the condition of society rendered it necessary for the organization of a powerful police force. At a meeting of the city council held September 16, 1858, it was moved that the police force be increased to 200. The names of persons chosen for this force were presented and accepted by the council, and they were afterwards enrolled by the marshal of the city and his deputies, who were A. Cunningham, N. V. Jones, Robert Burton, John Sharp, R. J. Golding, John Kay, James Barlow, Lewis Robison, Seth M. Blair, Alexander McRae and W. G. Mills. Andrew Cunningham was captain of police and Robert T. Burton his lieutenant. This police force, by severe discipline, at length restored the city to its former order and suppressed the lawlessness of desperadoes, which for awhile had reigned, terrorizing the citizens and impeding public affairs.*

In April (4th), 1859, the city election occurred, when the following were elected to the council:

Mayor—Abraham O. Smoot. Aldermen—Elijah F. Sheets, Nathaniel V. Jones, Alonzo H. Raleigh, Jeter Clinton and Nathan Davis. Councilors—Samuel W. Richards, Harrison Burgess, James W. Cummings, Robert T. Burton, Leonard W. Hardy, Wm. H. Hooper, Isaac Groo, Wm. C. Staines and Samuel Malin.

The city officers now stood as follows:

Recorder—Robert Campbell. Treasurer—Hiram B. Clawson. Assessor and collector—Jeter Clinton. Marshal—Jesse C. Little. Auditor of public accounts—Robert Campbell. Captain of police—Andrew Cunningham. Water master—Elijah F. Sheets. Surveyor—Jesse W. Fox. Superintendent of cemetery—Jesse C. Little. Inspector of spirituous liquors—Robert Campbell. Inspector of provisions—Andrew Cunningham.

There was a grand celebration of the Fourth of July, in the city, in the year 1859.†

In the spring of 1860, the experiment of the Pony Express from the Missouri River to the Pacific Ocean was made. The first Pony Express from the west left Sacramento City at 12 P. M., on the night of the 3d of April, and arrived in Salt Lake City at 11:45 P. M.; and from the east it left St. Joseph, Missouri, at 6:30 on the evening of the 3d, and arrived in this city at 6:25 on the evening of the 9th.

During the year 1860, the relations between Great Salt Lake City and Camp Floyd were of a peaceful and conciliatory character, and our citizens received much financial benefit in their dealings with the Camp.

The good order of society was now restored and the municipal rule returned to its ordinary ways and means, there being no longer need for the extra police.

January 20th, 1860, a new city charter was passed by the Legislature, which changed the election day from "the first Monday in April" to "the second Monday in February," to occur biennially. The charter provided for the election of mayor, five aldermen and nine councilors.

The passage of this new charter threw the next election on the second Monday of February, 1862; consequently there was no municipal election in 1861.

In May, 1861, just previous to the outbreak of the civil war, Governor Cumming and his lady departed from Salt Lake City with no expectation of returning.

*See chapter XXVI.

†See chapter XXVII.

Special interest was attached to the celebration of the Fourth of July this year, in consequence of secession, which our citizens deprecated. The lieutenant-general of militia, D. H. Wells, in his general orders No. 1, issued from headquarters, Salt Lake City, June 25th, 1861, said:

"Thursday, the Fourth of July, being the eighty-fifth anniversary of American Independence, notwithstanding the turmoil and strife which distress the nation established on that foundation, the citizens of Utah esteem it a privilege to celebrate the day in a manner becoming American patriots and true lovers of the constitution of their country."

About the middle of October, 1861, the eastern portion of the Pacific Telegraph Line was completed to Salt Lake City. The first message which passed over it from this point was from ex-Governor Young to Hon J. H. Wade, president of the Pacific Telegraph Company, in which he said: "Utah has not seseceded, but is firm for the constitution and laws of our once happy country," to which Wade replied, as did Abraham Lincoln, to the congratulations of our city sent by acting Governor Frank Fuller.*

The following officers were elected in 1862:

Aldermen—First Municipal Ward, Elijah F. Sheets; Second Municipal Ward, Wm. Clayton; Third Municipal Ward, A. H. Raleigh; Fourth Municipal Ward, Jeter Clinton; Fifth Municipal Ward, Nathan Davis. Councilors—Robert T. Burton, Leonard W. Hardy, Isaac Groo, Theodore McKean, A. Cunningham, N. H. Felt, Enoch Reese, Elnathan Eldredge, John Sharp.

In the spring of 1862, President Lincoln called for the service of our citizens in the protection of the Overland Mail Line; and two companies went out, one under the command of Col. Burton and the other under Major Lot Smith.†

In 1862 the city council issued a document very much of the character of a proclamation to our citizens relative to the celebration of the Fourth of July, as a mark of loyalty to the Union.‡

October 20th, 1862, Col. Connor and his command arrived in Salt Lake City.§

In the latter part of January, 1863, Gen. Connor and his troops fought the battle of Bear River; and at the burial of the dead in Camp Douglas Cemetery, Salt Lake City was becomingly represented by the presence of several thousands of citizens to pay tribute to the slain.

In the spring of 1863 there were great mass meetings held in the city to protest against the continuance in office of Governor Harding and United States Judges Wait and Drake, and resolutions and a petition were sent to President Lincoln asking their removal.‖

On the 11th of February, 1864, the election occurred, when the following were elected to the council and the city officers stood as given:

Mayor—Abraham O. Smoot. Aldermen—Elijah F. Sheets, William Clayton, Alonzo H. Raleigh, Jeter Clinton and Nathan Davis. Councilors—Robert T. Burton, Isaac Groo, Andrew Cunningham,

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*See HISTORY, pages 249-50-51.

†See Lincoln's call, Well's orders, and the reports of the commanders, HISTORY, Chapter XXVIII.

‡See Document, HISTORY, Chapter XXX.

§See HISTORY, Chapter XXXI.

‖See HISTORY, Chapter XXXIII.

Nathaniel H. Felt, John Sharp, Leonard W. Hardy, Theodore McKean, Enoch Reese, and Elnathan Eldredge. Recorder—Robert Campbell. Treasurer—Hiram B. Clawson. Marshal—Jesse C. Little. Auditor of Public Accounts—Robert Campbell. Supervisor of Streets—Elijah F. Sheets. Surveyor—Jesse W. Fox. Attorney—A. Miner. Board of School Inspectors—Henry I. Doremus, Geo. W. Mousley and Bartlett Tripp. Sealer of Weights and Measures—Nathan Davis. Captain of Police—Andrew Burt. Watermaster—Elijah F. Sheets. Inspector of Buildings—A. H. Raleigh. Inspector of Wood and Lumber—John C. Gray. Inspector of Liquors—Robert Campbell. Inspector of Provisions—Leonard W. Hardy. Quarantine Physician—Jeter Clinton. Chief Engineer, Fire Department—J. C. Little. Board of Examination of Physicians—Dr. J. M. Bernhisel, Dr. Jeter Clinton and H. .I Doremus.

In March, a conflict impended between Camp Douglas and the city, and on two occasions the citizens made ready to defend their city. During this year there were continued demonstrations of hostility, and in July, 1864, a "provost marshal of Great Salt Lake City" was created and a provost guard quartered in the "Museum" buildings.*

In the year 1865 there was a happy change between the relations of Camp Douglas and our city brought about by their uniting to celebrate the inauguration of Abraham Lincoln on his second term. The officers of Camp Douglas commenced the movement and appointed a committee of arrangements with Mr. S. Sharpe Walker grand marshal; and simultaneously the city council issued resolutions to celebrate, whereupon the two committees united, a grand procession of the soldiers and citizens was constructed and the day was made one of the most notable in the whole history of our city. After the ceremonies a ball was given at the City Hall by the City Fathers and the officers of Camp were the honored guests.

In the following month, April 18th, the Federal, civil and military officers again united, but this time to mourn together over the assassination of President Lincoln.†

The Hon. Schuyler Colfax and party were guests of the city, in June, 1865, and the City Fathers devoted much attention to the occasion.‡

About this time Governor Doty died in the city, and the mayor issued proclamation suspending business and ordering flags to be draped at half-mast until after the funeral ceremonies.

On the 8th of January, 1866, the present City Hall was dedicated. The following is from the record on the occasion:

"CITY HALL, G. S. L. CITY, January 8th, 1866, 10 o'clock A. M.

"The city council met pursuant to adjournment to dedicate the City Hall.

"Present of the invited guests, Presidents Brigham Young, Heber C. Kimball, Daniel H. Wells, Joseph Young, Sen., Governor Charles Durkee, Amos Reed, secretary of the Territory; Hon. Geo. A. Smith, president and members of the council, the Hon. Speaker and members of the House of Representatives of the Legislative Assembly of the Territory of Utah, Hon. Elias Smith, judge of probate, and county and city officers.

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*See HISTORY, Chapters XXXIV, XXXV.

†For a fuller account of both occasions see HISTORY, Chapter XXXVII.

‡See HISTORY, Chapters XXXVIII., XXXIX.

"Reporters Geo. D. Watt, E. L. Sloan and Mr. Davis, also T. B. H. Stenhouse, Esq., editor of the *Daily Telegraph*.

"The exercises of the day were opened with singing "The City I love so well," by Elder Wm. Willis.

The roll of the city council was called, and the following gentlemen responded to their names: Mayor A. O. Smoot, Aldermen Elijah F. Sheets, Alonzo H. Raleigh, Jeter Clinton, Nathan Davis; Councilors Robert T. Burton, Leonard W. Hardy, Isaac Groo, Theodore McKean, Andrew Cunningham, Enoch Reese, Elnathan Eldridge, John Sharp and Henry W. Lawrence; Recorder Robert Campbell; Treasurer Paul A. Schettler and Marshal J. C. Little.

"Aldermen Clayton was absent through sickness. President Young made the following announcement:

"'I will announce to those assembled here, that we are here for the purpose of dedicating this house and the material thereof, the grounds, and all pertaining to the building and its surroundings, to the Lord our God whom we serve; and we do it in the name of Jesus Christ, His son. Brother George Q. Cannon will offer the dedicatory prayer.'

"After the dedicatory prayer, came the opening speech by the mayor, which was followed by a speech from Governor Charles Durkee, who concluded thus:

"'You have before you an interesting event—the dedication of this building. You have been here long; you settled here early; you have endured privations and hardships, and for the scene of progress and perfection that now surround you, you have reason to be proud, and to thank God for such blessings, hence you should feel a degree of gratitude and I do not doubt that you do, and that you are doing your best to serve the community, to elevate the people, to set a good example and to officiate for the good of the Territory, the country and the people at large. You certainly deserve a great deal of credit; those who have provided the means for the erection of such a beautiful building, and have exhibited such a fine specimen of architectural genius have reason to be proud; it is creditable to the people, to the artists and the community, and I can only say I wish that the council here may be as perfect and as harmonious as this architecture. I doubt not that it will be so, and hope it may be, for we all know the purer we can be, the more truth we can have, the higher we can rise, the more harmony with God, the more happy we are here and hereafter. You have my prayers and my efforts that this building may be dedicated really, as you have prayed to-day, to the cause of humanity, progress, religion, to the welfare of the Territory and the welfare of the world.'

"This was followed by a speech from Hon. George A. Smith, president of the council, after which Hon. John Taylor, speaker of the House delivered an address.

"President Brigham Young came next in an interesting speech, and was followed by President Heber C. Kimball.

Mayor Smoot made a few closing remarks, and the meeting was dismissed by prayer by President Daniel H. Wells.

"The exercises throughout were interspersed with songs, by Wm. Willis.

"In the evening a grand banquet and ball was held, at which were present

many distinguished guests, such as the First Presidency of the Church, members of the Twelve, presiding bishops, Federal officials including Governor Durkee and others.

"The party occupied the entire second story, and everything was fitted up for the convenience and pleasure of the guests assembled."

In February the municipal election occurred when the following were returned to the council:

Mayor—Daniel H. Wells. Aldermen—Elijah E. Sheets, Samuel W. Richards, Jeter Clinton, Alonzo H. Raleigh and Alexander C. Pyper. Councilors—Robert T. Burton, Isaac Groo, Theodore McKean, Elnathan Eldridge, John Sharp, Henry W. Lawrence, William S. Godbe, Claudius V. Spencer and Joseph F. Smith. Recorder—Robert Campbell. Treasurer—Paul A. Schettler. Marshal—J. D. T. McAllister.

Here we give a biographical sketch of A. O. Smoot, second mayor of Salt Lake City on his retirement:

Hon. Abraham O. Smoot, the second mayor of Great Salt Lake City and afterwards the mayor of Provo City, was born on the 17th of February, 1815, in Owen County, Kentucky. His father, George W. Smoot, was from Prince Edward County, Virginia, and his mother, Ann Rowlett, was from the same state and county. They migrated from Virginia to Kentucky in 1812. On the father's side he is of Scotch origin. Grandfather Smoot emigrated from Scotland and settled on the eastern shores of Maryland. His wife, Nancy Beal, was from England. They emigrated about the same time and were married in America.

When A. O. Smoot was seven years old his parents moved from his native place to the western district of Kentucky, and when he was about thirteen years old to a short distance across the State line into Tennessee, where he lived till he embraced the Gospel and came west.

In the exodus he led a company to Winter Quarters and was the captain of one of the pioneer companies in the journey to the Valley of the Great Salt Lake. His company, which was organized at the rendezvous on Horn River, consisted of 120 wagons. It was the largest company on the road that season, and was the second company that arrived in the Valley after the Pioneers—Daniel Spencer's being the first.

He was elected one of the first high council in the organization of the Great Salt Lake Stake, which existed several years before the incorporation of the city. He was the first justice of the peace that ever acted in Utah. The next year was the great gold emigration to California, when, as the only justice of the peace found between the Missouri River and Salt Lake, he was called upon by the gold-seekers to adjudicate in about forty cases, some of which involved thousands of dollars.

In the fall of 1849 he returned east to establish a carrying company with Jedediah M. Grant, on the Missouri River, twelve miles from Winter Quarters, which, however, was not accomplished, but they established a ferry there and started the largest portion of the emigration of that year. In the spring of 1850 he engaged to bring out two trains of merchandise, one for Colonel John Reese, and conducted one for Livingston & Kinkade—the former by his partner, Jedediah M. Grant, the latter conducted by himself. These were the earliest of the merchant trains that

supplied the Salt Lake market after the one brought by Livingston & Kinkade the previous year.

After the death of Jedediah M. Grant, the first mayor of Great Salt Lake City, A. O. Smoot, in November 1856, was elected by the city council to take his place, and in February, 1857, he was elected mayor of Great Salt Lake City, by the unanimous vote of the people at their regular election. He went to the States in charge of the mail carried by the Y. X Company, and brought the news of the coming of the Utah Expedition, a full account of which has been given in the History of Salt Lake City. He remained in charge of the city during the Utah war, moved with the people south and located for the time at Salem, where there was feed for his stock. After the conclusion of peace he returned with the people to Great Salt Lake City and resumed his duties as its chief magistrate. He was re-elected mayor in February, 1859, and was by repeated elections continued in office till February, 1866. He was alderman of the Fifth Municipal Ward, four years before being elected mayor. He was also one of the members of the Provisional Government, and after declining the mayorship in 1866 he served twelve years in the Council branch of the Legislature. He went to Provo on the first of February, 1868 and was elected mayor of Provo on the second Monday in February. He served Salt Lake City as mayor for ten years, and has since served Provo for twelve years in the same capacity.

In 1868, Salt Lake merchants held meetings at the City Hall and Z. C. M. I. was established.

In July, 1869, a delegation of eastern merchants arrived in Salt Lake City, and Vice President Colfax and party made their second visit.*

In November and December, the Godbeite Movement was started in the city and for awhile occupied public attention.

The Utah Central Railroad was completed and the last spike driven, in this city, by President Young, January 10, 1870, in the presence of fifteen thousand citizens.†

In the beginning of this year (1870) the Liberal party was organized and the municipal election contested by that party with Henry W. Lawrence as candidate for mayor. The returns of the election gave the following members to the council:‡

Mayor—Daniel H. Wells. Aldermen—First Municipal Ward, Issac Groo; Second, Samuel W. Richards; Third, A. H. Raleigh; Fourth, Jeter Clinton; Fifth, A. C. Pyper. Councilors—Robert T. Burton, Theodore McKean, Thos. Jenkins, Heber P. Kimball, Henry Grow, John Clark, Thomas McLelland, John R. Winder, Lewis S. Hills. Recorder—Robert Campbell. Treasurer—Paul A. Schettler. Marshal—John D. T. McAllister.

February 12th, 1870, the female suffrage bill was passed, and on the 14th of February the first female votes were cast at the city election. Female mass meetings were also held about the same time against the Cullom Bill; and, on the last day of March a mass meeting was held in the city and Congress petitioned against the Cullom Bill.§

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*See Chapter XLIV.
†See Chapter LXXII. for particulars of the occasion and railroad history.
‡See Chapter XLVII.
§Chapters LXVIII, L and LI.

In March, 1870, Governor Shaffer arrived and began his administration.*

Judge James B. McKean arrived August 30th, 1870, and commenced his court proceedings September 7th.

In August, Dr. Newman arrived and discussed polygamy with Apostle Orson Pratt†

In August, 1870, the Liberal party opposed the People's party in the election for delegate to Congress.‡

Governor Shaffer, in September, issued his proclamation forbidding the muster of the Utah militia, whereupon a correspondence took place between him and Lieutenant-General Wells.§

Governor Shaffer died in Salt Lake City on the 31st of October, 1870.

In November the "Wooden Gun Rebellion" occurred.‖

April 4, 1871, a petition of Brigham Young, president of the Utah Southern Railroad Company, was brought up before the council, asking a grant to said company of the right of way through the corporate limits of the following portion of the city, viz: "Beginning at the terminus of the Utah Central Railroad, thence south on Third West Street, to Ninth South Street; thence east on Ninth South Street to Third East Street; thence south on an open street through the five acre plat A. to the southern line of corporation."

On motion of Alderman Clinton the right of way was granted.

On the 10th of June, 1871, a communication, signed by Governor Geo. L. Woods, chairman, and Geo. R. Maxwell, secretary, was addressed "to the mayor and common council," by a committee of arrangements which at a meeting had

"*Resolved*, That the city council be and is hereby respectfully requested to authorize its committee, or in its wisdom to appoint a new committee, to meet a like committee from the citizens already appointed, with full authority to confer, concert and adopt proper means, if possible, for a single and harmonious celebration of the coming Fourth of July, irrespective of any and all action heretofore taken by either of the aforesaid committees."

To which the city council replied by formal resolutions stating, "that it is deemed unnecessary, and under the circumstances, unjust, either to set aside the present committee, or otherwise to interrupt the advanced state of their labors, which might jeopardize the approaching celebration by the mass of the people, believing that we have through them provided liberal and ample provisions for all who desire to celebrate the anniversary of our Nation's birthday."

The arrangements of the city, however, were interrupted by a proclamation of acting Governor George A. Black, forbidding the granting of a "detachment of the Territorial militia, with bands of music to aid in the celebration of the ninety-fifth anniversary of American Independence,', which was applied for by the City of the lieutenant-general of the militia.¶

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*See Chapter LIII.
†See Chapter LII.
‡See Chapter LIV.
§See Chapter LIII.
‖See Chapter LV.
¶For the documents and the narrative of the celebration of the Fourth of July, 1871, see Chapter LVI.

In August (31st) 1871, U. S. Marshal Patrick made a demand upon City Marshal McAllister, for a prisoner in his custody, belonging to the penitentiary. He also brought a suit against the warden of the penitentiary and the city marshal before U. S. Associate Justice Hawley, in the prosecution of which U. S. District Attorney Baskin intimated that he would have surrounded the City Hall with cavalry, infantry and artillery and "knocked the City Hall and city jail down."*

On the 3d of October, 1871, D. H. Wells, mayor of Salt Lake City, was arrested by U. S. Marshal Patrick, on the charge of polygamy, but was released on bonds.

On the 10th of October, the mayor issued a "proclamation" calling for a mass meeting of "all classes of the people" to assemble to relieve the sufferers of the Chicago fire. The proclamation was nobly responded to and among the worthy subscribtions, the city corporation appropriated $1,500, and the mayor himself personally $500.†

On Saturday the 28th of October, 1871, Mayor Wells was arrested on a capital charge, and was sent by Judge McKean, a prisoner to Camp Douglas, but on the Monday following he was admitted to bail by the chief justice, on the ground, that if held a prisoner at Camp Douglas, "it would be practically impossible for the mayor to attend to any of the duties of his office, and, therefore, he could not be held responsible for the quietude and good order of the city."‡

A committee appointed by the city, on the 4th of February, 1872, met the Japanese Embassy, at Ogden, and "in the name of the chief magistrate and civil authorities of Salt Lake City" tendered them welcome, and on the sixth, the Embassy held a levee at the City Hall, where, in the room occupied by the House of Representatives, Mayor Wells greeted them with a very becoming address, after which he introduced to them Governor Woods, who in turn introduced the different Federal officials, and General Morrow presented the officers of the garrison at Camp Douglas; then followed the presentation of the members of the Legislature, city and county officers and prominent citizens.§

On the second Monday of February, 1872, the municipal election occurred when the following were returned:

Mayor—Daniel H. Wells. Aldermen—Isaac Groo, Aurelius Miner, Nathaniel H. Felt, Jeter Clinton and John Van Cott. Councilors—Theo. McKean, Henry Grow, John Clark, John R. Winder, Lewis S. Hills, Alexander C. Pyper and Joseph F. Smith. Recorder—Robert Campbell.—Treasurer—Paul A. Schettler. Marshal—John D. T. McAllister.

At the municipal election of 1874, there were four tickets put into the contest: the People's party's regular ticket and the opposition ticket of the Liberal party first appeared followed by the "Working People's" ticket, upon which a fourth ticket was constructed, supported by the Liberal party who withdrew their own, leaving two tickets in the field both bearing the name of the "People's Ticket," with Daniel H. Wells for mayor on the regular ticket, and William Jennings on the opposition ticket. The result of the election was:

Mayor—D. H. Wells. Aldermen—Isaac Groo, George Crismon, Jeter Clinton, John Sharp, A. C.

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*See chapter LIX.
†See chapter LXI.
‡See chapter LXIII.
§See chapter LXV for further account of the Japanese Embassy's visit.

Pyper. Councilors—Brigham Young, Theodore McKean, Albert Carrington, J. R. Winder, Henry Grow, N. H. Felt, David McKenzie, Feramorz Little, Thomas Williams. Treasurer—Paul Shettler. Recorder—Robert Campbell. Marshal—J. D. T. McAllister.*

At the August election of 1874, for delegate to Congress the control of the polls was assumed by the United States marshal and his deputies, who in the exercise of their duties attempted the control of the city, among other acts arresting the captain of the city police and several members of his force. Towards evening there was a riot at the City Hall, when the mayor read the riot act, and ordered the police to beat back the mob which had previously assaulted his person and were shouting "shoot him! shoot him!" while he stood on the balcony of the hall ordering them to disperse.†

In October, 1875, President Grant visited Salt Lake City. He was met at Ogden by the city council, county officers and other distinguished citizens, including Brigham Young, John Taylor, George Q. Cannon and Joseph F. Smith. The special train chartered by the city authorities, brought the train of President Grant to the city.‡

The returns of the municipal election in February, 1876, gave the following to the city council:

Mayor—Feramorz Little. Aldermen—Adam Spiers, Henry Dinwoodey, A. H. Raleigh, John Sharp, and Alexander C. Pyper. Councilors—Brigham Young, John Henry Smith, Nicholas Groesbeck, John R. Winder, David O. Calder, Geo. Reynolds, Elias Morris, Elijah Sheets and Harrison Sperry. Recorder—John T. Caine. Treasurer—Paul A. Shettler. Marshal—Andrew Burt. Auditor of Public Accounts—John T. Caine. Assessor and Collector—John R. Winder. Supervisor of Streets, Watermaster and Jailor—Wm. Hyde. Captain of Police, Market Master, and Inspector of Provisions—Andrew Burt. Superintendent of Hospital and Insane Asylum—A. H. Raleigh. Sexton—Joseph E. Taylor. Surveyor—Jesse W. Fox, Jr. City Attorney—Joseph L. Rawlins. Sealer of Weights and Measures—Martin H. Peck. Superintendent of Water Works—T. W. Ellerbeck. Chief Engineer of Fire Department—C. M. Donelson. Quarantine, Asylum, Hospital and City Physician—Dr. Seymour B. Young.

Here we pause in the city notes to give a biographical sketch of ex-Mayor Wells:

Daniel H. Wells, who in the history of Utah has become famous as the lieutenant-general of the Utah militia, mayor of Salt Lake City, and second counselor of the Mormon Church, was born in Trenton, Oneida County, New York, October 27th, 1814.

His father, Daniel, served in the war with Great Britain, in 1812, and his mother, Catherine Chapin, was the daughter of David Chapin, a revolutionary soldier who served with General Washington.

In the rise of the British colonies in America, this man's ancestor was one of the governors. He was none other than the illustrious Thomas Wells, fourth governor of Connecticut, who held the offices of governor and lieutenant-governor alternately a number of times. In all the land there was no American more illustrious than this ancestor of General Wells, to whom we give the rank on the Mor-

*See Chapter LXX., for the history of the contest.
†See Chapter LXX.
‡See Chapter LXXIII.

mon side, as first citizen of Utah to-day in historical importance. Gideon Wells, Secretary of the Navy in the Lincoln administration, is from a branch of the same family, but the Utah Wells is descended directly from the inheriting line. On his mother's side, also, his descent is scarcely less distinguished.

His father died in 1826, when Daniel H. was but twelve years of age. When he was eighteen, the family, consisting of his mother, himself and six sisters, sold their estate in Trenton and removed to Ohio. In the spring following (1834), he settled at Commerce, afterwards famous as Nauvoo. This was the year succeeding the Black Hawk War, and before Carthage, the county seat, was located. Ere he was twenty-one years of age, he was elected constable, and soon afterwards justice of the peace. He was also elected second sergeant in the first organization of the militia of the district; and so great was the confidence of all parties and sects, including the Catholics, in his integrity and impartiality, that he was often selected as arbitrator of differences between neighbors, and administrator of the estates of deceased persons. In politics he was a Whig, and was an influential member of many of the political conventions of Hancock County from its organization to the time of the expulsion of the Mormons.

In 1839, he became acquainted with the Mormons. When they fled from Missouri, he was among the foremost to welcome and give succor to the refugees. That severe American spirit, for which he has ever been marked, was aroused to indignation at witnessing the expulsion of free-born American citizens from a neighboring State, many whose forefathers, like his own, had helped to found the nation, and to fight for its independence in later generations. Indeed, it would seem, from the tenor of his life, that the chain which at first bound him to the Mormons was his uncompromising Americanism and stern republican integrity, rather than a sentimental sympathy with a religious sect, or from any constitutional tendency to be carried away by a love of the marvelous, which is popularly supposed to have been the moving cause with the majority of those who embraced the new faith.

When Nauvoo was organized, and charters were granted by the Legislature of Illinois to the city, university, and Nauvoo Legion, Daniel H. Wells was elected alderman and member of the city council, one of the regents of the universityand commissary-general on the staff of the major-general with the rank of brigadier-general. After the murder of Joseph and Hyrum Smith, when the Governor of the State of Illinois sent Lieutenant Abernethy to demand the arms of the Legion, General Wells protested against the order, as an infringement of his constitutional right to bear arms as a member of the militia of the State. After the exodus of the main body of the Mormon Church, under the Twelve, and at the time the mob was gathering, he became a member of the Church, and, six weeks later, he took part in the famous battle of Nauvoo,—fighting for the freedom of his conscience, and the rights of American citizens. In this battle, Colonel Johnson having been taken sick, he assisted Lieutenant-Colonel Cutler in the command, acting as the latter's aid-de-camp. During the three days of the battle he was especially conspicuous on his white horse, encouraging and directing the men, and was often made a target by the enemy.

On the surrender of Nauvoo, he resolved to go to Winter Quarters, but was among the very last to leave the doomed city. As the mob advanced, coming down the street, only two blocks behind the expelled citizens, Colonel Cutler and himself brought up the rear of the refugees. On the other side of the river they were met by a patrol guard, who demanded their arms, which they refused to give up, it being in violation of the treaty, which provided that the arms should be restored to the Mormons as soon as they reached the Iowa side of the river. From the portico of the temple the enemy fired their cannon on the defenceless camp across the river. Gathering up the balls he sent one of them, with his compliments, to the Governor of Iowa, whose Territory had been thus invaded. He then took a one-horse buggy and rode day and night, with Colonel Cutler, to the Mormon headquarters, to send back teams for the expelled remnant, to whose rescue he soon returned. In the second journey of the pioneers to the valleys he was aide-de camp to General Brigham Young.

Since that day, in the history of Utah, Daniel H. Wells has figured among the most conspicuous, in its great events and important places in the Church, in the city and in the Territorial government. He was a member of the Legislative Council in the Provisional State of Deseret, superintendent of public works, after the death of Jedediah M. Grant, Second Counselor of the Church, and lieutenant-general of the Utah militia, which he commanded in the "Utah war" in 1857-8.

Daniel H. Wells was elected Major-General of the Nauvoo Legion by the General Assembly of the Territory of Utah, May 26th, 1849; and to the rank of lieutenant-general, March 27th, 1852, receiving his commission from Governor Brigham Young, March 8th, 1855. He was again re-elected lieutenant-general by the people, as provided by law, April 6th, 1857.

In 1864-5 he was president of the European mission, and since then has been mayor of Salt Lake City a number of terms.

Daniel H. Wells is a thorough American. His loyal and stirring speech, stimulating the patriotism of the Mormons soon after their entrance into the Valley, we give here as proof of his ardent love of his native country and its institutions. He said:

"It has been thought by some that this people, abused, maltreated, insulted, robbed, plundered, and finally disfranchised and expatriated, would naturally feel reluctant to again unite their destiny with the American Republic. No wonder that it was thought by some that we would not again submit ourselves (even while we were yet scorned and ridiculed) to return to our allegiance to our native country. Remember, that it was by the act of our country, not ours, that we were expatriated, and then consider the opportunity we had of forming other ties; let this pass while we lift the veil and show the policy which dictated us. That country, that constitution, those institutions were all ours—they are still ours. Our fathers were heroes of the Revolution. Under the master spirits of an Adams, a Jefferson and a Washington, they declared and maintained their independence; and under the guidance of the spirit of truth, they fulfilled their mission whereunto they were sent from the presence of the Father. Because demagogues have risen and seized the reins of power, should we relinquish our interest

in that country, made dear to us by every tie of association and consanguinity? * * * Those who have indulged such sentiments concerning us, have not read Mormonism aright; for never, no never, will we desert our country's cause; never will we be found arrayed by the side of her enemies, although she herself may cherish them in her own bosom. Although she may launch forth the thunderbolts of war, which may return and spend their fury upon her own head, never, no never, will we permit the weakness of human nature to triumph over our love of country, our devotion to her institutions, handed down to us by our honored sires, made dear by a thousand tender recollections."

General Wells was very strong in his condemnation of the late war upon the Union and the national flag. His peculiar expression was that the South should have "wrapped the time-honered flag of their country around them, and fought for their constitutional rights as *we* did!" Daniel is the author of that view. He remembers that he is the direct descendant of the fourth Governor of Connecticut, and all through his life has aimed to be worthy of his illustrious descent.

On Wednesday, August 29th, 1877, Brigham Young, the founder of Salt Lake City, died at his residence, whereupon Mayor Little called a special meeting of the city council and formally announced the death of one of its members, President Young being at the time of his death a city councilor. Aldermen Sharp and Raleigh, and Councilors Reynolds, Calder and Winder were appointed a committee to draft and present resolutions.*

The election of February, 1878, returned the following to the council:

Mayor—Feramorz Little. Aldermen—Adam Spiers Henry Dinwoodey, A. H. Raleigh, John Sharp and Alex. C. Pyper. Councilors—Wm. L. Ball, Isaac Brockbank, Elias Morris, James W. Cummings, Joseph F. Smith, John Henry Smith, David O. Calder, Francis Armstrong. Recorder—John T. Caine. Treasurer—Paul A. Schettler. Marshal—Andrew Burt.

On the 5th of May, 1879, ex-Mayor Wells having been sent to the penitentiary by Judge Emerson, for refusing to describe the ceremonial dresses of the endowment house, the city council ordered a grand procession at the release of its former chief magistrate.†

The election of February, 1880 returned:

Mayor—Feramorz Little. Aldermen—Elijah F. Sheets, Henry Dinwoodey, A. H. Raleigh, D. O. Calder and A. C. Pyper. Councilors—Joseph Booth, Jacob Weiler, John Clark, Thomas E. Taylor, Harrison Sperry, Joseph F. Smith, John Henry Smith, O. F. Whitney and Francis Armstrong. Recorder—John T. Caine. Treasurer—Paul A. Schettler. Marshal—Andrew Burt. Assessor and collector—John R. Winder.

Feramorz Little served Salt Lake City as its mayor three terms, and his administration of municipal affairs was acceptable to all classes of the citizens. Liberty Park was purchased by the city while he was in office; many improvements were made in public works and the financial business of the municipality was well conducted. He retired from office at the election of 1882.

The election of February, 1882, gave the following city officers:

Mayor—William Jennings. Aldermen—E. F. Sheets, Henry Dinwoodey, A. H. Raleigh, David O. Calder and Alex. C. Pyper. Councilors—Samuel Peterson, Adam Spiers, T. E. Taylor, James C.

*See HISTORY Chapter LXXIV.
†See HISTORY Chapter LXXXVIII.

Watson, John Clark, Joseph F. Smith, Geo. Romney, James P. Freeze and Daniel H. Wells. Recorder—John T. Caine. Treasurer—Paul A. Schettler. Marshal—Andrew Burt. Assessor and collector, John R. Winder.

On July 28th, 1882, Aldermen A. C. Pyper died. He was one of the oldest and ablest members of the council, having served sixteen years.

June 13th, 1882, it was resolved by the city council that Liberty Park should be opened to the public on and after Saturday, June 17th, 1882, at 12 o'clock noon, and subject to such rules and regulations as the city council shall prescribe.

*Programme*:—Procession of the city, federal, territorial and military officials to join in the procession under the direction of the marshal and to start from the City Hall at 10 o'clock a. m., to proceed to and enter the park at the main gateway, thence around the drive to the stand. Exercises: music; reading of resolutions by deputy-recorder, H. M. Wells; singing, glee-club; dedicatory prayer, Alderman Raleigh; singing, glee club; speech, Prof. T. B. Lewis; music; speech, Hon. Ben Sheeks; music; toasts and responses; declaration by the mayor of the formal opening of the park; music.

The city council afterwards granted the park to the public for the celebration of the 4th of July, 1882.

It was during the period of this council that the Edmunds Bill was passed, which, as interpreted by the Utah Commission, disqualified the elder members of the council from further service to the city.

The municipal election of February, 1884, returned the following gentlemen to the council:

Mayor—James Sharp. Aldermen—Adam Spiers, I. M. Waddell, Joseph H. Dean, Robert Patrick, and George D. Pyper. Councilors—Geo. Stringfellow, Orson H. Pettit, John Clark, Thomas G. Webber, Albert W. Davis, Joseph A. Jennings, Andrew N. McFarlane, Heber J. Grant, and Junius F. Wells. Recorder—Heber M. Wells. Treasurer—Paul A. Schettler. Marshal—Wm. G. Phillips. Assessor and Collector—Wm. W. Taylor.

Undoubtedly the Hon. Wm. Jennings would have been returned a second term as mayor, but for the constrained interpretation put upon the Edmunds Bill, excluding from the suffrage and office all who had ever been in polygamy. He was legally eligible to the office, notwithstanding the Edmunds Bill. Considerable of the record of the public service of Mr. Jennings will be found interspersed throughout the foregoing chapters; also of his connections with the commerce of our city and the building and management of the Utah Central and Utah Southern Railroads.*

On the retirement of the late council Feb. 16th, 1884, it was ordered by the succeeding council, on motion of Councilor Junius F. Wells, that a portrait be painted of Alderman A. H. Raleigh, at the expense of the city, and suspended upon the wall of the council chamber.

It is becoming for his long service to the city, and he being probably also the "oldest alderman in America," to here give a brief biographical sketch of Alderman Raleigh, accompanying his steel plate.

It is about thirty years ago since A. H. Raleigh was made an alderman of

*For further respecting Mr. Jennings, see his biography.

A. H. Raleigh

Great Salt Lake City, which was the full name of our city when he first became a member of the municipal government. Speaking of the length of his service, as the oldest alderman in America, this fact alone would make his portrait quite a unique and very fitting illustrative plate in the history of Salt Lake City.

Alonzo Hazeltine Raleigh was born in Francistown, Hillsboro' County, State of New Hampshire, November 7th, 1818. His father's name was James L. Raleigh, and his mother's name Susan McCoy. They were also born in the State of New Hampshire. His grandfather, Major Raleigh, was born and bred in old Concord, Massachusetts, near the line of Lexington; and he was in the battle of Lexington, so called, though grandfather Raleigh always claimed that it was fought on the Concord side of the line.

Great grandfather Philip Raleigh came to America, from Ireland, in 1744 and settled, being the first settler in the town of Antrim, Hillsboro' County, New Hampshire. At the time the place where he settled was a wilderness. The great-grandmother's name was Sarah Joiner. She was an English woman and emigrated from England about the same time that Philip Raleigh came over from Ireland. The grandmother's name was Sarah Hazeltine, whose family name (Hazeltine) our alderman bears.

Alderman Raleigh in his youth received an ordinary common district school education. He left school early, and labored on a farm till he was fourteen years of age, when he was apprenticed to the mason's trade. He was a good bricklayer, became a master builder, and took contracts.

After learning the mason's trade Raleigh went to Boston, and in that great city he joined the Mormon Church, being baptized by that once famous elder, George J. Adams, who in the theatrical history of this country in his day ranked as one of America's great actors.

In the spring of 1843, Raleigh gathered to Nauvoo, where he was at the time of the martyrdom of Joseph and Hyrum. He left Nauvoo in the great Mormon exodus of 1846, but did not come to the mountains with the pioneers in 1847. However, on the second pioneer journey in 1848, he came in President Heber C. Kimball's company and arrived in the city of the Great Salt Lake in September.

In the spring of 1851 Alderman Raleigh was called upon and appointed by President Young to take charge of and carry on the mason department of the public works, which he continued to do until those works were suspended during the Buchanan war and the "move south."

In the year 1851 he was also called upon by President Young to preside over the Deseret Dramatic Association at its first organization, to which association he devoted his evenings for about three years.

In 1853, October 21st, he was made superintendent of and trustee for the Nineteenth Ward portion of the city wall, the building of which he accomplished satisfactorily.

Alderman Raleigh's services in the municipality of Great Salt Lake City commenced in 1854. On the 12th of September he received notice of his appointment to the office of alderman of the Third Municipal Ward, and took the

oath of office. At the next election, March 5th, 1855, he was duly elected to the same position. In 1857, Mayor Smoot having been called and appointed by Governor Young to go and establish a settlement at Deer Creek, near Fort Laramie, in the interest of the mail service, Alderman Raleigh was elected mayor *pro tem.*, May 29th, which office he filled till the 4th of September, when Mayor Smoot resumed his duties.

Alderman Raleigh has also for many years filled the office of bishop of the Nineteenth Ward of Salt Lake City.

He was called to be a bishop at the April Conference of 1856, and was ordained and set apart by Presiding Bishop Edward Hunter, May 6th of the same year, to preside over the Nineteenth Ward, he having been counselor to Bishop James Hendricks from about the organization of said ward.

In the "Utah War" he served as a commanding officer. He was elected major in the Nauvoo Legion, April 20th, 1857; was appointed adjutant, 2nd regiment, 2nd brigade, 1st division, September 12th, 1857. In the spring of 1858, March 31st, he started with 135 men for Echo; there his number was increased to 180. April 5th, he inspected the earth works and stone batteries and made his report to the lieutenant-general.

April 7th, Governor Cummings and Col. Thos. L. Kane passed through the camp in Echo for Salt Lake.

On the 13th, having been selected, he started for Lost Creek Station with two battalions of infantry (having been reinforced), and after exploring, sent on the 15th the entire force up the creek twelve miles to build a station, clear roads, etc., after which, on the 19th, he took 175 men four miles further up the canyon to build batteries, etc. After building nineteen batteries, at about equal distances apart for about a mile and a half, he was ordered to detail fifty men and station them at the mouth of the canyon, send twenty-five to Echo, and return with the remainder to Salt Lake City.

Before the organization of Great Salt Lake City the bishops acted as magistrates of their wards, but on the incorporation of the city, A. H. Raleigh was elected justice of the peace for Salt Lake City precinct, for Salt Lake County, and occupied that office until the city was divided into five municipal precincts, since which for several years he was justice of the Third precinct.

He was appointed inspector of buildings for Salt Lake City, about the time of the passage of the law prescribing the duties thereof, March 17th, 1860, and has been the only incumbent of the office ever since.

As an alderman he has served the city from September, 1854, to February, 1884, excepting one term. Of his administration it may be said that A. H. Raleigh is not only the oldest of our "city fathers," but also a veteran legislator in this municipality. Raleigh, indeed, is very defined in the history of Salt Lake City as a strong, persistent man. He generally carried his measures, and showed remarkable self-reliance and independence of character. Our city could ill afford to lose from the public service such men as A. H. Raleigh, D. H. Wells, Henry Dinwoodey, and William Jennings, but the Edmunds law was more powerful than the people's will.

The municipal term of 1884-5 was critically related to general events, and it on

several occasions required at once prudence and firmness in the council to sustain the dignity of the city, yet to take such action as to meet the public approval. This was particularly the case relative to certain doings of city officers on the Fourth of July, 1885.

On that day the flags of the City Hall, County Court House, Salt Lake Theatre, Z. C. M. I., *Deseret News* Office, the Tithing Office and the Gardo House, the residence of President Taylor, were placed at half-mast. This being observed a great excitement was produced, and finally a committee of citizens, consisting of Marshal Ireland, Major Wilkes, Captain Evans and C. L. Haines, and others went to the City Hall to ascertain the reason of the flag being at half-mast at the City Hall. The officers of whom the enquiry was first made knew nothing further than that Marshal Philips had ordered it. The Marshal, who with Mayor Sharp, was attending a meeting at the Tabernacle, was sent for, and on his appearance at the office, where the committee awaited him, Major Wilkes, as spokesman, said:

"Marshal, we are here as a committee of citizens to ascertain the reason for the flag of this building being at half-mast."

The city marshal replied that it was "a whim" of his, and further added in explanation remarks to the effect that Salt Lake City had cause for mourning, and that the half-masting of the flag expressed the feelings of the majority of the citizens. The mayor, however, on his arrival ordered the flag to be raised to its proper position; and the officers of Z. C. M. I. did the same at a later hour in the day, it having been placed at half-mast at that institution by an irresponsible person. During the entire day the city was greatly disturbed, and both at the City Hall and Z. C. M. I. riot was threatened. That there was any intention to dishonor the flag, few seriously believed, though many affected such an opinion. The *Deseret News* thus explained the case:

"The Mormon people have never at any time insulted the national ensign. They have sustained and upheld it under the most trying and extraordinary circumstances. When they were, like the Pilgrim Fathers, driven from their homes and sought a place where they could enjoy liberty of conscience, they planted the emblems of union and liberty in these mountains, and they will continue to sustain it, and should the occasion arise, doubtless they will be ready to lay down their lives in the maintenance of the principles over which it should forever wave.

"Four years ago on Saturday the nation's flag was at half-mast throughout the land. The people had been thrown into the depths of sorrow because one of the leading sons of the Republic had been shot down by the bullet of an assassin. But the victim was not yet dead. The man who would have accused the country of insulting the flag because it was then placed in a drooping position, would have been treated as an idiot. The people of Utah joined in that universal grief. They are now sorrowful over the decadence of their liberties. And a feeling of depression was to some extent expressed on Saturday as it was on July 4th, 1881.

"Who could rejoice on the Fourth of July, and make it a day of revelry and mirth, and indulge in gratulations over liberty when some of our best men are

languishing in prison, committed there, as we believe, in gross violation of law and of every right that belongs to citizens of this Republic?

"It will only be a few days until thirty-eight years have elapsed since the Latter-day Saints trod the soil of this valley. With reverent hands and patriotic hearts they hoisted their country's flag, unfurling it to the breeze, in these mountains, and from that day until the present they have maintained that flag loyally and truthfully, and have never feared to denounce every attempt of governors, judges, marshals, secretaries and other petty officials who have held office for a brief space, to trample upon the rights of the people guaranteed by the Constitution under the flag of the country. These are the patriots of the land—men who knowing right dare maintain it, and who have never crouched nor been disposed to

"Crook the pregnant hinges of the knee
That thrift may follow fawning—"

But have dared tell men the truth as it is, and stand up for the rights of men."

The Salt Lake *Tribune* under the head of "Insulting the Flag," said:

"The Mormons made a shameful record for themselves yesterday. As the people of the city awoke to the light of Independence Day they saw from the chief centres of Mormon power the American flag drooping at half-mast. It was a startling sight. Every one wondered what it meant, and many were the surmises. But no one hit at first on the true reason—that it was the Mormon method of expressing their hatred of this Nation and their contempt for its power. * * And this is the boasted loyalty of the Mormon people! We have all known, those of us who have been here any length of time, that all their profession in this respect was damnable hypocrisy, sheer fatuity to deceive candid people. The occurrence of yesterday will forever stop them from pleading loyalty any more. In their despair they threw off their mask. They will not be able to escape the consequences of their treason. Let us hear no more of Mormon love for the Stars and Stripes."

It was this latter view that was telegraphed East, causing a great stir in the country; and it was supposed an official report was sent to President Cleveland with a similar tone. For several days the eastern journals kept the public under the impression that troops were needed in Salt Lake City to quell Mormon treason, and President Cleveland ordered General Howard to hold troops in readiness for this service. It was expected that on the Twenty-fourth—the Mormon pioneer day—the city, following its usual custom, would use the flag again. Would it be again at half-mast, was the sensitive question of the hour, but the death of General Grant gave the occasion of half-masting by common consent.

The affair of half-masting the flag came up before the city council, and a committee was appointed to report on the case, which they did, giving a similar explanation to that of the marshal and the *Deseret News*—namely, that the city had cause for mourning. But this was not satisfactory to the non-Mormons, who held an indignation meeting, at which the speakers gave vent to many belligerent expressions.

At the close of the year 1885, there was again great excitement in the city over

the shooting of Joseph W. McMurrin, a night watchman, by Deputy Marshal Collin. According to the evidence, it appears that Deputy Collin was approaching his residence near the Social Hall, on the evening of November 28th, 1885, when he and McMurrin came together, either accidentally or by design. It appears that McMurrin struck at Collin, when the latter fired several shots from a revolver, severely wounding his assailant. Mr. Collin being a U. S. deputy marshal and Mr. McMurrin a member of the Mormon Church, coupled with the fact that other men were near and ran from the scene of the encounter, gave rise to many stories and much excitement. Rumors were started that the Mormons were arming for resistance. The city council promptly investigated the matter. The following is from the council minutes:

"CITY HALL, SALT LAKE CITY,

"Saturday, December 5th, 1885.

"The city council met in special session at 3 o'clock P. M., pursuant to call of the mayor. Roll called.

"Present—Mayor Sharp; Aldermen Spiers, Waddell, Dean, Patrick, Pyper; Councilors Stringfellow, Clark, Webber, Macfarlane, Wells; Attorney Richards.

"Absent—Councilors Petit, Davis, Jennings, Grant.

"The mayor stated that the object of calling a special session was to consider the advisability of the council's investigating certain rumors that were in circulation affecting the peace and good order of the city and its inhabitants, and which he was informed had been telegraphed to the national authorities in Washington, with a view to securing military interference with the local government.

"After various inquiries by the members relative to the nature of the rumors and the impression they had created abroad, and a full and free discussion of the injurious effects likely to result to the community in case they were not thoroughly investigated and the exact truth ascertained and made known, on motion of Alderman Waddell, it was decided that an official investigation of the many current rumors affecting the general welfare of the people of the city be made by the council, commencing Monday, December 7th, at ten o'clock A. M.; and that invitations be issued to persons who, there was reason to suppose, had any information concerning the rumors, to be present and make statements.

"On motion of Alderman Patrick, the recorder was instructed to address communications to the following-named gentlemen inviting them to be present at the investigation: His Excellency, Eli H. Murray, Governor of Utah; Hon. Arthur L. Thomas, Secretary; Major-General Alexander McD. McCook, commanding Fort Douglas; Lieutenant S. W. Groesbeck, Post Adjutant; Hon. C. S. Varian, Assistant U. S. Attorney; Hon. E. A. Ireland, U. S. Marshal; Hon. William Jennings, Hon. John Sharp, Hon. Feramorz Little, Hon. John Q. Cannon, P. L. Williams, Esq., J. L. Rawlins, Esq., S. A. Merritt, Esq.

"On motion of Councilor Clark, the special session adjourned to Monday, December 7th, at ten o'clock A. M.

"CITY HALL, SALT LAKE CITY,

"Monday, Dec. 7th, 1885.

"The city council met pursuant to adjournment in special session. Roll called.

"Present—Mayor Sharp; Aldermen Spiers, Waddell, Dean, Patrick, Pyper; Councilors Stringfellow, Clark, Webber, Pettit, Macfarlane, Wells, Grant; Attorney Richards.

"Absent—Councilors Davis and Jennings.

"The minutes of the special session of December 5th, were read and approved.

"The following report was submitted:

"SALT LAKE CITY, December 7th, 1885.

"*The Hon. the Mayor and City Council:*

*Gentlemen*—I have the honor to report to you that in compliance with your instructions of the 5th inst., I have forwarded to the gentlemen named by you each a communication, of which the subjoined is a copy:

"'*Sir*—At a special session of the City Council of Salt Lake City, held Saturday, December 5th, it was decided that an official investigation of the rumors in circulation at the present time affecting the peace and welfare of the city and its inhabitants be had, commencing Monday, December 7th, at 10 A. M. I am directed to respectfully invite you to attend said investigation, and to furnish the council any information concerning the matter that you may be in possession of.'

"Very respectfully,

"HEBER M. WELLS, Recorder."

"On motion of Councilor Stringfellow the recorder's report was accepted and approved.

"The following communications were read:

"FORT DOUGLAS, Dec. 6th, 1885.

"*Heber M. Wells, City Recorder, Salt Lake City, Utah:*

"*Sir*—Referring to your communication of yesterday, requesting my presence at an official investigation ordered by the city council concerning the origin of certain rumors 'affecting the peace and welfare of the city,' I have the honor, in reply, to say that I can only communicate facts coming to my knowledge in my official capacity to and through my superior officer.

"As to personal knowledge of said rumors and their origin, I know nothing which to me seems of material value, or could aid the council in its work.

"While appreciating the courtesy extended, I beg you will consider that in declining to appear as requested, I am acting within the customary and legal restraints of my office.

"Very respectfully,

"Your obedient servant,

"S. W. GROESBECK,

"First Lieut., Adjt. Sixth Infantry and Post."

"OFFICE U. S. ATTORNEY, SALT LAKE CITY, Dec. 7th, 1885.

"*Heber M. Wells, Esq., City Recorder, Salt Lake City:*

*Sir*—I have the honor to acknowledge the receipt, late yesterday afternoon, of your communication of Saturday's date, wherein you inform me that the City Council had decided "that an official investigation of the rumors in circulation at the present time, affecting the peace and welfare of the city and its inhabitants" be had, commencing Monday, December 7th, at 10 o'clock A. M., and that you were directed to request my attendance upon the occasion of said investigation, and that I furnish the council an8 information I possess concerning the matter.

"In reply thereto, I have to request that you be pleased to communicate to the Honorable the City Council my respectful acknowledgment of the Council's invitation. I regret to say that the obligations of office will prevent me from disclosing at the present time any information possessed by the district attorney relative to the subject mentioned. Be also pleased to convey to the Council my desire to be advised of any facts which can aid the office in its endeavors to secure the public tranquillity and enforce the laws.

"Very respectfully,

"C. S. VARIAN, Asst. U. S. Attorney."

"TERRITORY OF UTAH, EXECUTIVE OFFICE,
"SALT LAKE CITY, December 6th, 1885.

"*Sir*—I have the honor to acknowledge the receipt of your communication, in which you state that 'at a special meeting of the City Council of Salt Lake,' held last night, 'it was decided that an official investigation of the rumors in circulation at the present time affecting the peace and welfare of the city, etc., be had,' and inviting me to attend, and to furnish the council any information concerning the matter that I may be in possession of. I have to state that I have for several days been engaged in investigating and communicating for the information of the President the condition of affairs pertaining to the peace and welfare of the people of this city in common with other parts of the Territory, and to say that I am pleased to know that the council of this city propose to investigate the matter. I beg that you will say to the council that I will be gratified to receive from that body any facts bearing on the subject that may be of service to the President, the Governor, or the District Attorney, who is charged with the duty of the prosecution of offenses against the laws of the United States and of Utah, and that it will be my pleasure at all times to support the mayor in his efforts to preserve the peace and in upholding the law.

"Respectfully,
"ELI H. MURRAY, Governor.

"*To Heber M. Wells, Esq., City Recorder.*"

"UTAH TERRITORY, SECRETARY'S OFFICE,
"SALT LAKE CITY, Dec. 7th, 1885.

"*Sir*—I have the honor to acknowedge the receipt of your communication, dated Dec. 5th, 1885, inviting me, on behalf of the City Council, to be present at a special meeting of that body, called to investigate 'the rumors in circulation at the present time affecting the peace and welfare of the city and its inhabitants,' and to return my thanks for the same.

"Please say to the gentlemen of the Council that I have no information bearing upon the subject mentioned, other than that which is now in possession of the Governor.

"I am, sir, very respectfully,
"ARTHUR L. THOMAS, Secretary of Utah Territory.

"*Heber M. Wells, Esq., City Recorder.*"

"On motion of Councilor Wells the communications were ordered to be filed.

"On motion of Councilor Clark, it was decided to proceed with the investigation, by requesting those present who had any information on the subject to make their statements and be interrogated, beginning with his Honor the mayor.

* * * * * * * * *

"REPORT OF SPECIAL COMMITTEE

"SALT LAKE CITY, December 8th, 1885.

"*The Hon. the Mayor and City Council:*

"GENTLEMEN—Your special committee to whom was referred the matter of drafting a preamble and resolutions embodying the result of the investigation by the council into the rumors that have been circulated throughout the country, detrimental to the peace and welfare of the city and its inhabitants, beg leave to report the accompanying resolutions and recommend their adoption.

"Very repectfully,
"JOSEPH H. DEAN,
"H. J. GRANT,
"T. G. WEBBER,
"JOHN CLARK,
"GEORGE STRINGFELLOW,
"JUNIUS F. WELLS,
"JAMES SHARP, *mayor*,
"F. S. Richards, *city attorney*,
"ORSON F. WHITNEY, *city treasurer*,
"*Special Committee.*

"On motion of Alderman Pyper, the report was approved. The resolutions were read as follows:

"*Resolutions in relation to current rumors respecting the peace, reputation and welfare of Salt Lake City.*

"*Whereas*, Certain rumors affecting the peace, reputation and welfare of Salt Lake City and its inhabitants are prevalent, and have been circulated abroad to the injury of the same, and

"*Whereas*, To the knowledge of the city officials there was no cause existing on which these evil reports could be justly based, and

"*Whereas*, Official notice appears to have been taken of said rumors by the general and military authorities of the nation, it became expedient that the mayor and city council of said city institute a thorough investigation of the same, that the facts upon which they were founded, if any existed, might be made known, and

"*Whereas*, Such investigation has been held, at which Federal officials of the Territory, military authorities of Fort Douglas and prominent residents and business men, and the citizens generally, were invited to be present to give such information as they might be in possession of respecting the peace and good order of said city, and the injurious rumors affecting the same, and

"*Whereas*, After diligent and searching inquiries and the taking of reliable testimony, such rumors as had taken definite form and as were reported to the city officials, were refuted. Among these were the following, namely:

"A body of armed men is said to have been seen riding into the city along West Temple Street before daylight on Monday morning, November 30th. This rumor was traced back by the city marshal from the person who first gave the information to the mayor, to one Mr. Van Horn, of the Continental Hotel, the only one who was reported to have seen the armed men, and he denies any knowledge whatever of the matter.

"The rumor that armed men lined the road to the penitentiary for the supposed purpose of taking Henry Collin from the custody of the United States officers, came to the city marshal from United States Marshal Ireland, who admitted, however, that on going over the road he had seen nothing himself to justify the report, and could not name anyone who had. The city marshal then rode out to the penitentiary, traversing both routes, making diligent inquiries of residents along the way, but could not learn that any armed men had been seen anywhere in the vicinity.

"The rumor of threats made to lynch Collin after the shooting of McMurrin, on Saturday night, November 28th, was refuted by City Marshal Phillips, who testified that he had heard no such threats on the night in question, and that the crowd at the City Hall did not exceed two hundred people and was quiet and orderly. The assertion of Assistant District Attorney Varian to the city marshal, that a rope had been seen in the crowd by one Thomas Curtis, was refuted by Curtis himself, who denied being at or near the City Hall at any time on Saturday, and heard nothing of the shooting until Sunday morning.

"The rumors that quantities of arms and ammunition were secreted in the general tithing store was ascertained to be false by a personal visit to the premises by General McCook and his adjutant, Mayor Sharp and City Attorney Richards.

The General expressed himself as perfectly satisfied that the rumor was without foundation.

"The report that the Mormons were arming themselves, and organizing for an outbreak under the direction of their leaders, and that in the outer settlements they had been ordered to be ready at a moment's notice to march to Salt Lake City, was met by the testimony of Apostles Lorenzo Snow, Franklin D. Richards, John Henry Smith, Heber J. Grant and John W. Taylor, each of whom declared that from their own personal knowledge the rumors were utterly untrue. Hon. John Sharp, William Jennings, and other prominent citizens testified to the same effect, and that such a condition of affairs as had been reported could not exist among the people without their knowledge.

"Other rumors of insecurity to life and property were refuted, and others still were of so vague a character that it was impossible to trace them to any definite source, or give them tangible form. Therefore,

"*Be it Resolved by the Mayor and City Council of Salt Lake City*, that the reports or rumors of any condition of affairs other than of the most peaceful character prevailing at the present time in this city, are false.

"That at no time in the history of this city have the lives and property of its non-Mormon inhabitants been more secure than now.

"That the reports to the contrary have been accredited and circulated by federal officials of this Territory for some purpose best known to themselves.

"That to the extent they or any others have circulated these false reports abroad, they have defamed the city and injured its people.

"On motion of Alderman Waddell the resolutions were unanimously adopted.

"On motion of Alderman Waddell the Council adjourned.

"JAMES SHARP, Mayor.

Attest:

"HEBER M. WELLS. Recorder.

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On April 24th, 1883, E. W. Tullidge presented a petition to the city council proposing to write and publish the History of Salt Lake City, which was accompanied by the following recommendation:

"The undersigned, having been made acquainted with the proposition of Mr. E. W. Tullidge to collect and publish the historical facts pertaining to the establishment and growth of Salt Lake City, do hereby recommend him as one well qualified for the work, and also recommend such appropriations as the officers of this City and County may deem necessary for the prosecution of this important undertaking.

Daniel H. Wells, David F. Walker, Jos. F. Smith, Samuel S. Walker, Elias Smith, William Jennings, M. H. Walker, Angus M. Cannon, Joseph R. Walker, D. Bockholt, Feramorz Little, Anthony Godbe, H. S. Eldredge, John A. Hunter, T. G. Webber, A. O. Smoot, F. D. Clift, James W. Cummings, Philip T. Van Zile H. Dinwoodey, W. Woodruff, John Cunnington, John Sharp, John P. Taggart, Paul A. Schettler, Albert Carrington, C. E. Pomeroy, L. S. Hills, Benjamin Hampton, James Jack, R. T. Burton, J. M. Goodwin, Byron Groo, Allan T. Riley, D. McKenzie, Edward Hunter, S. H. Auerbach, N. Groesbeck, E. L. T. Harrison, George Goddard, C. W. Penrose, E. Kahn, L. W. Hardy, C. C. Goodwin, Philip Pugsley, Wm. Eddington, E. Sells, E. F. Sheets, George F. Prescott, H. W. Naisbitt H. B. Clawson, J. E. Dooly, Geo. J. Taylor, Samuel Kahn, James Dwyer, David O. Calder, W. S. Godbe, J. Woodmansee, Godbe, Pitts & Co., J. Jaques, Thomas Taylor, Thomas C. Armstrong, Philip Margetts, Jacob Alt, Heber M. Wells, A. H. Raleigh, Benj. G. Raybould, H. K. Whitney, H. W. Lawrence, J. M. Benedict, George Dunford, Eli B. Kelsey, William H. Rowe, Auer

& Murphy, Jesse W. Fox, Frank W. Jennings, O J. Hollister, Theo. McKean, Geo. A. Meears, N. A. Empey, J. T. Little, G. M. Pierce, Milando Pratt, John W. Lowell, B. H. Schettler, Elias Morris, Eli H. Murray, W. W. Riter, T. R. Jones, Wm. B. Barton, C. H. Bassett, Daniel Dunne, Charles W. Stayner, Abram Gould, David James, W. C. Dunbar, J. E. S. Russell, Ben Sheeks, A. H. Kelly, Geo. Reynolds, M. Merrill, E D. Hoge, Adam Spiers, D. R. Firman, Amos Howe, Geo. H. Taylor, Geo. A. Lake, Spencer Claw on, S J. Jonasson, G. E. Bourne, T. V. Williams, John Paul, Bowring Bros., H P. Mason, O. P. Miles, S. B Young, S. A. Shoemaker, H. P. Richards, M. Paul, Jr., Samuel H. Hill, F. Armstrong, Thomas J. Almy, J. E. Reese, G. M Forbes, Joseph H. Felt, H G Park, H. M. R. Atkinson, D. C. Dunbar, Joseph Salisbury, J. L. Rawlins, D. L. Davis, John Farmer, W. G. Young, Geo. A. Lowe, G. H. Snell, S. H. B. Smith, Arthur Brown, Careless & Croxall, H. E. Smith, R. W. Sloan, William L Binder, E Benner, C. J. Thomas, Wm. Gill Mills, C. H. Lenzi, George C. Bywater, Moore, Allen & Co., T. N. Olsen, F. T. Lee, W. S. Burton, W. C. Burton, A. N. Hamilton, George R. Jones, Henry Wagner, E. Stevenson, G. B. Wallace, Sam Levy, C. R. Savage, H. Spiers, A. M. Musser, Henry Grow, Charles H. King, Isaac M. Waddell, R. C. Chambers, T. R. Ellerbeck, John C. Cutler, Henry Saddler, L. D. & A. Young, N. H. Ransohoff, S. A Kenner, John Smith, C. K. Gilchrist, B. H. Young, Wm. F. Rayhould, Isaac Brockbank, Jos. C Kingsbury, James F. Bradley, H. J. Doremus, M. M. Bane, John Sears, A W. Carlson, George R. Maxwell, John Kirkman, A. L. Thomas, D. M. McAllister, J. E. Callister, Herbert Van Dam, W. J. Beattie, C. E. Silverwood, Thomas Aubrey, T. Pierpont, Watson Bros., A. F. Barnes, White & Sons, John S. Lewis, James H. Raddon, R. G. Taysum, John South, John Lyon, Sen. G. A. Wiscombe, Capt J D. Wright, John R. Park, A. B. Dunford, Junius F. Wells, Jos. E. Taylor, H. J Faust, S. W. Darke & Co., James Sharp, George Swan, S. W. Sears, Henry Tribe, W. H. Shearman, C. V. Spencer, Wm. Naylor, Cooper Bros., John N. Pike, Silas T. Smith, T. B. Lewis, Jos. W. Johnson, N. H. Felt, Eliza R. Snow, Zina D. H. Young, Phebe W. Woodruff, Mrs. E. B. Wells, Mrs. E. Howard, M. Isabella Horne, M. M. Barratt, Louisa F. Wells, Dr. R. B. Pratt, P. L. Kimball, Ruth V. Sayers, Dr. E. B. Ferguson, Sarah M. Kimball, Helen M. Whitney, Sarah E. Russell, Elmina S. Taylor, Ellen C. S. Clawson, Mrs. P. Jennings, Hannah T. King, C. C. Raleigh.

It was referred to a special committee, who reported as follows:

"Your special committee, to whom was referred the petition of Edward W. Tullidge, proposing to write the history of Salt Lake City, and the accompanying endorsement of 241 of the influential and representative citizens of all classes, recommending that the city council make an appropriation to assist in the enterprise, together with the subsequent communication of Mr. Tullidge and the report of this committee, which was returned to be made more definite, having given the matter thorough and careful consideration, beg leave to report as follows:

"We find that Salt Lake City was settled about thirty-six years ago under very peculiar and interesting circumstances, and although at that time of very little importance to any one except its founders, it has since prospered and grown until a great city has been established—a city ranking in commercial importance with any of the same population and facilities in the United States—a city of industry, and thrift and magnificence, attracting the attention of capitalists, furnishing employment to laborers, providing homes for settlers and commanding the respect of the civilized world.

"We also find that many of the citizens who have helped to build the city, who have spent the best part of their lives in working the miracle which has changed a 'half-way house' into a midland metropolis, are justly proud of their magnificent achievements, and purpose lending their support towards the perpetution of the events connected with their past, in history.

"Your committee announce themselves to be heartily in accord with the project, and believe, in the interests of justice and enlightenment, for the benefit of the citizens at large, the stranger and posterity, that a knowledge of the facts attendant upon the founding and growth of Salt Lake City should be preserved—that an accurate and reliable history of the city, unbiased with partisanship, should be written and published with as little delay as possible, and that a portion of the expense incurred in the work should be borne by the public, in whose direct interest the publication is made.

"Furthermore, we are of opinion, from a thorough knowledge of his abilities as a writer, and his candor as a historian, that Edward W. Tullidge is a competent and suitable person to be entrusted with this important undertaking.

"Therefore your committee respectfully recommend that the sum of $1,500 be appropriated to assist in defraying the expenses of writing and publishing the history of Salt Lake City, and for the purchase of copies of said history.

"That Edward W. Tullidge be required to give a bond to the corporation of Salt Lake City in the sum of $1,500, with good and sufficient security, to be approved by the city council, and conditioned that he will write and publish, first in parts, and afterwards in bound volume form, a history of Salt Lake City, which shall contain at least 500 pages of printed matter and be a concise and impartial account of the events of importance that have occurred from the first settlement of this city down to the present time.

"That before any of the writings of said historian shall appear either in pamphlet or volume form, the manuscript or proof sheets, whichever shall be more convenient, shall be submitted to the inspection of a committee of five competent persons three of whom should be selected by the city council, and the other two by Edward W. Tullidge, whose duty it shall be to carefully peruse the writings submitted to them, and to approve or correct the same as their judgment shall dictate; and that any alterations, additions, or deductions to the text suggested by said committee shall be noted and corrected by said historian; and that the history shall be printed, independently of any other matter, in form and style suitable for compiling and binding in a volume which shall be approved by the committee. That he will complete the writing and publication of said history, and deliver to the mayor ——copies thereof, before the first day of July, 1885; that after said bond shall have been given and approved by the city council, the mayor be authorized to issue an order on the city treasury for $500 in favor of Edward W. Tullidge, and when two-thirds of the history shall have been published in pamphlet form as agreed by the mayor and said historian, and to the acceptance of the city council, the mayor be authorized to issue an order on the city treasurer for the second payment of $500, and when said history is completed and —— copies thereof in bound volume form delivered to the mayor, that he be authorized to issue an order on the city treasurer for the third and final payment of $500. That the mayor be authorized to act for and in behalf of Salt Lake City to enforce the terms under which said history is to be written and for the convenience of the historian in consulting the wishes and intent of the council, and that the committee on revision hereinbefore provided for, shall receive such reasonable compensation for their labors as may hereinafter be decided by the council.

"Respectfully,

"HENRY DINWOODEY,
"DANIEL H. WELLS,
"A. H. RALEIGH,
"*Special Committee.*

"Salt Lake City, May 1st, 1883.

*Adopted May 23d, 1883.*"

"May 26th, 1885, a petition was presented from E. W. Tullidge, representing that in the process of preparing the history of Salt Lake City, he found that

the work demanded considerable increase of capacity, and by and with the advice of the supervisory committee, the petitioner asked for an additional appropriation of one thousand dollars and the extension of the time for the completion of the history to the end of the present year, 1885."

The mayor appointed Alderman Patrick, Councilors Webber, Clark and Wells, who reported favorably, June 9th. An appropriation of $1,000 was made and the time extended.

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### ASSASSINATION OF CAPTAIN ANDREW BURT.

On the 25th of August, 1883, Captain Andrew Burt was assassinated in Main Street, Salt Lake City, by a colored man, W. H. Harvey, who immediately after the murder was taken from the police and lynched in the prison yard.

The assassination of Captain Andrew Burt was a tragical event in the history of our city, upon which almost an universal judgment was pronounced, notwithstanding there was involved in it the execution, by lynching, of the assassin. No such a case had before occurred during all the troublesome and critical times of the past as a lynch law execution, but the murder on the public street, in broad daylight, of an officer who had so many years commanded the police, and whose personal courage and moderation were proverbial, wrought the temper of the populace to a pitch of fury that neither reason nor a Christain spirit could restrain. When Captain Burt's body was brought out from Smith's drug store an awful burst of rage, not loud but deep, ran through the vast multitude and the cry "lynch him, lynch him," was followed by a general rush to the City Hall. In a few minutes the terrible judgment was executed, and the murderer of Captain Burt had paid his fearful account to public vengence. That there was a profound regret the day after the execution there is no doubt, but it was rather that a lynch law precedent had occurred in the history of our city than in a tone of condemnation of the public wrath, which had so fearfully supplemented the tragedy of Captain Burt's taking off.

The following document will show the action of the city council in the case:

"*Resolutions of Respect to the memory of Captain Andrew Burt, City Marshal.*

"*Whereas*, In the mysterious providences of Almighty God, our beloved brother and fellow officer, Captain Andrew Burt, city marshal, has been stricken down by the hand of an assassin, and

"*Whereas*, An intimate relation to the deceased in his official capacity for a long period, makes it fitting that we should place on record our sentiments of sorrow and affection which this melancholy affliction has awakened; therefore

"*Be it resolved by the mayor and city council of Salt Lake City*, That we deeply deplore and execrate the cruel, atrocious act that has deprived the corporation of a true and valiant officer, the community of an honest and upright citizen, the Church of a zealous and faithful official member, and a large family of a kind, generous, loving husband and father;

"*Resolved*, That we recognize in the career of Captain Burt the highest expression of the noble qualities of a true man. In 1859, he became associated with the police force, of which he was appointed chief three years later.

In 1876, he was elected city marshal, and discharged the varied duties of the office promptly and efficiently to the hour of his death. In these important positions of trust and of danger, Captain Burt has had opportunity to display the highest character and principle which have distinguished him among his fellow men, as an officer of the municipal court, custodian of the corporation property, and conservator of the public peace. Marshal Burt proved himself competent, incorruptible, and vigilant, creating friends among all classes of men, and earning their universal respect and admiration. In the history of Salt Lake City circumstances have frequently placed the police force in the foremost position of danger, calling forth from them manifest actions of great courage, intrepidity and daring, as well as the employment of the detective's cunning and strategy. On such occasions Captain Burt was pre-eminently a leader of his men. He was cool, deliberate and cautious in planning; quick, decisive and complete in executing. His work was always well done, and while mercy and a humaneness, not often accredited to men in his position, have ever accompanied his measures of enforcing obedience to the police regulations; the law has ever been vindicated by him, and peace, good order and quietness preserved, even under the most trying and difficult circumstances;

"*Resolved*, That we sincerely sympathize with the bereaved family of the deceased and earnestly beseech the comforting influences of the Great and Holy Spirit to be ever around them, and that we commend the example of their husband and father as a worthy guide and stimulant to success and happiness in life.

"On motion of Councilor Smith it was ordered that the resolutions be spread upon the minutes and engrossed copies be furnished to the family of the deceased.

"Adopted August 28th, 1883."

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FIRE DEPARTMENT RECORD.

*September 19th*, 1856—N. Davis presented a motion "for the prevention and extinguishing of fires and the necessity of placing a patrol on the Temple Block."

*October 17th*, 1856—An ordinance passed organizing the Fire Department. (See original ordinance). Jesse C. Little appointed chief engineer. Five hundred dollars appropriated to purchase a fire engine. $903.88, balance on cost of engine house also appropriated.

Total cost of engine house, April 2d, 1858, $1,684.26.

Very little was done for fire protection after the passage of the ordinance, but two or three incipient fires occurring, no alarm or apprehension was felt. The fire engine remained partially constructed, the engine house unfinished. However in the beginning of the year 1870, an impetus was given to the matter, mainly through insurance agents located in the city, and prominent merchants interested. At a session of the council held March 1st, 1870, the old ordinance was revised and improved. John D. T. McAllister was appointed chief engineer with authority to organize two or more companies, volunteers. Three dozen buckets, hooks and ladders ordered to be purchased, and at the same time, "plans and the cost of constructing a fire engine (the one already partially built) was submitted. About this time the insurance agents and a few prominent business men organized a fire company, and ordered from the Silsbury manufacturing company of New York, a steam fire engine. Wisely concluding that this ap-

paratus would be more efficient under the control of the city council than in private hands, arrangements were made with the city fathers, and the engine turned over to them upon its arrival in the city. A hose cart with hose, 500 feet, and a hook and ladder truck, with the necessary hooks and ladders; also a covering built. A hand engine was also purchased.

*February 15th*, 1871.—The engine house enlarged by order of the council, and the ordinance regulating the fire department passed.

*March 27th*, 1871.—A fire ordinance for the prevention of fires passed, and Pioneer No. 1, and Eagle Hook and Ladder No. 1, two fire companies ordered to be organized, as volunteer firemen, consisting of fifty and thirty men respectively.

On the 20th of December, 1871, Alert Hose Company No. 1 was organized. On the 8th day of February, 1872, Wasatch Engine Company No. 2 was organized.

March, 1873, Vigilant Engine Company No. 3, was organized. This company never went into service.

December 1st, 1876, Alert Hose Company No. 1, changed to Engine Company No. 3.

January 19th, 1881, Vigilant Company No. 4 was organized.

July 4th, 1883, Mutual Company No. 5 was organized.

At the sessions held by the city council in September, 1883, the volunteer fire department was disbanded and a paid department organized, consisting of paid permanent and paid call men, forty-seven in all. A horse was purchased for the hose cart, attached to Engine Company No. 1, and the companies reduced from six to four, viz: Engine Companies Nos. 1, 2 and 3, Hook and Ladder No. 1.

An alarm of fire at 5:15 P. M., September 30th, 1883. This was the last alarm responded to by the old volunteer fire department after twelve years of good, faithful and vigilant service, and to their last call there was a unanimous and general turnout, the boys responding to the alarm with a vim determined to make their last work a fitting wind-up to their years of good service.

OFFICERS OF THE DEPARTMENT FROM 1856 TO 1886.

*Chief engineers.*—Jesse C. Little, 1856 to 1871. John D. T. McAllister, 1871 to 1876. Charles M. Donelson, 1876, May to October. Geo. M. Ottinger, 1876, appointed November 14th.

*Assistant engineers.*—Andrew Burt, 1871 to 1875. Ivar Isaachson, 1871 to 1872. Geo. M. Ottinger, 1871 to 1876. Henry Dinwoodey, 1872 to 1884. John Reading, 1876 to 1885. Wm. J. Hooper, 1884. Samuel R. Skidmore, 1885.

FIRES AND LOSS BY FIRES FROM 1871 TO 1885.

| | | | | | | |
|---|---|---|---|---|---|---|
| 1871 | Fires, | 1 | Loss by fire, | $ 1,000 | | |
| 1872 | " | 7 | " | 5,750 | | |
| 1873 | " | 13 | " | 75,000 | | |
| 1874 | " | 15 | " | 4,525 | | |
| 1875 | " | 15 | " | 291,500 | | |
| 1876 | " | 21 | " | 22,745 | Insurance, $ | 6,000 |
| 1877 | " | 21 | " | 14,845 | " | 4,600 |
| 1878 | " | 20 | " | 21,645 | " | 9,133 |
| 1879 | " | 18 | " | 15,340 | " | 13,560 |
| 1880 | " | 25 | " | 21,900 | " | 745 |
| 1881 | " | 22 | " | 6,090 | " | 1,400 |
| 1882 | " | 26 | " | 19,960 | " | 1,000 |
| 1883 | " | 42 | " | 139,275 | " | 42,700 |
| 1884 | " | 51 | " | 11,930 | " | 3,100 |
| 1885 | " | 33 | " | 19,965 | " | 11,500 |
| | | 330 | | $671,530 | | $93,408 |

# HISTORY OF SALT LAKE CITY.

## BIOGRAPHIES.

### LIFE OF BRIGHAM YOUNG.

Brigham Young was born in Whitingham, Windham County, Vermont, June 1st, 1801. His parents were devoted to the Methodist religion, to which, in his maturity, he also inclined. He was married October 8th, 1824, in Aurelius, Cayuga County, New York, where for twelve years he followed the occupations of carpenter, joiner, painter and glazier. In the spring of 1829 he removed to Mendon, Monroe County, where his father resided, and here the next spring, he first saw the Book of Mormon, which was left with his brother Phineas Young, by Samuel H. Smith, brother of the Prophet.

In January, 1832, in company with Phineas Young and Heber C. Kimball, he visited a branch of the Church at Columbia, Pennsylvania, and returned deeply impressed with the principles of Mormonism. In this state of mind he went to Canada for his brother Joseph, who was there on a mission, preaching the Methodist faith. This prompt action, after he had resolved on his own course, is quite typical of the man.

Joseph Young "received and rejoiced in the testimony," and returned home with his brother; and both immediately united themselves with the Saints.

Brigham was baptized April 14th, 1832, by Elder Eleazur Miller, who confirmed him at the water's edge, and ordained him to the office of an elder that same night.

About three weeks afterwards his wife was also baptized, but in the following autumn she died, leaving him two little children (girls). After her death he made his home at Heber C. Kimball's.

In the same month, with his brother Joseph and Heber C. Kimball, he started for Kirtland, to see the Prophet. Arriving at Kirtland, they found him, with several of his brothers, in the woods, chopping and hauling wood. "Here my joy was full," says Brigham, "at the privilege of shaking the hand of the Prophet of God, and receiving the sure testimony by the spirit of prophesy that he was all any man could believe him to be, as a true prophet. He was happy to see us, and bid us welcome. In the evening a few of the brethren came in, and we conversed together upon the things of the kingdom. He called upon me to pray. In my prayer I spoke in tongues. As soon as we arose from our knees, the brethren flocked around him, and asked his opinion concerning the gift of tongues that was upon me. He told them it was the pure Adamic language. Some said to him they expected he would condemn the gift, but he said 'no it is of God; and the time will come when Brother Brigham Young will preside over this Church.' The latter part of this conversation was in my absence.

After staying about a week in Kirtland they returned home, and then, with his brother Joseph, he started on a mission to Upper Canada, on foot, in the month of December, and returned home in February, 1833, before the ice broke up.

For a little while he made his home at Heber C. Kimball's, preaching in the neighborhood, but on the first of April he started on foot for Canada again, where he raised up branches of the Church. He then "gathered up" several families, and started with them to Kirtland about the first of July, where he tarried awhile "enjoying the society of the Prophet," and then returned to Mendon.

Taking his two children, in the month of September, he "gathered" to Kirtland with Heber C. Kimball. Here he commenced working at his former trade.

When the elders "went up to redeem Zion," in Jackson County, a missionary expedition famous in Mormon history, the Prophet was particularly anxious that Brigham should go with him. Meeting the Prophet one day, in company with Joseph Young, Brigham told him his brother was doubtful as to his duty about going, to which the Prophet replied, "Brother Brigham and Brother Joseph, if you will go with me in the camp to Missouri, and keep my counsel, I promise you in the name of the Almighty, that I will lead you there and back again, and not a hair of your head shall be harmed;" at which each presented his hand to the Prophet and the covenant was confirmed.

The organization of "Zion's Camp" being completed, they started for Missouri, where they arrived at Rush Creek, Clary County, on the 23d of June, when the camp was struck with the plague. Here they remained one week, attending to the sick and burying their dead. About seventy of the brethren were attacked with the cholera, of whom eighteen died.

The Prophet assembled the "Camp of Zion," and told the brethren that "if they would humble themselves before the Lord, and covenant that they would, from that time forth, obey his counsel, the plague should be stayed from that very hour;" whereupon the brethren, with uplifted hands, covenanted, "and the plague was stayed according to the words of the Lord through His servant."

The journey to Missouri and back was performed in a little over three months, being a distance of about 2,000 miles, averaging forty miles per day, on foot, while traveling. On the return the brethren were scattered. Brigham and his brother Joseph arrived home safe, July 4, fulfilling the covenant made with them. He tarried in Kirtland during that Fall and Winter, quarrying rock, working on the Temple, and finishing the printing office and schoolroom.

On the 14th of February, 1835, the Prophet called a council of Elders, at which the quorum of the Twelve Apostles were selected in the following order:

Lyman E. Johnson, Brigham Young, Heber C. Kimball, Orson Hyde, Luke Johnson, David W. Patten, William E. M'Lellin, John F. Boyington, William Smith, Orson Pratt, Thomas B. Marsh and Parley P. Pratt.

In May, Brigham Young was called to go and preach to the Indians. "This," said the Prophet, "will open the doors to all the seed of Joseph." He started on his mission in company with the Twelve, returning to Kirtland in September, where he spent the Fall and Winter preaching, attending a Hebrew school, and superintending the painting and finishing of the Temple.

In March, 1836, the Temple, being nearly finished, was dedicated. "It was a day of God's power," says the record; "the glory of the Lord filled the house." It is known in the church as the Latter-day Pentacost, on which the Elders were specially "endowed with power from on high." The Twelve held the "solemn assembly," and received their "washings and anointings." The "washing of feet" was administered to Brigham by Joseph himself.

Soon after this, in company with his brother Joseph Young, he started on a mission to the Eastern States, traveling through New York, Vermont and Massachusetts. In the Fall and Winter of 1836, he was at home again with the Prophet, sustaining him through the darkest hour which the Church had yet seen.

It was at this time that a "spirit of apostacy" manifested itself among the Twelve, and ran through all the quorums of the Church. It prevailed so extensively that it was difficult for many to see clearly the path to pursue.

On one occasion several of the Twelve, the "witnesses" to the Book of Mormon, and others of the authorities of the Church, held a council in the upper room of the Temple. The question before them was to ascertain how the Prephet could be deposed, and David Whitmer, who was one of the "witnesses," appointed President of the Church.

"I rose up," says President Young, "and told them in a plain and forcible manner that Joseph was a Prophet, and I knew it; and that they might rail at and slander him as much as they pleased, they could not destroy the appointment of the Prophet of God; they could only destroy their own authority, cut the thread which bound them to the Prophet and to God, and sink themselves to hell. Many were highly enraged at my decided opposition to their measures, and Jacob Bump (an old pugilist), was so exasperated that he could not be still. Some of the brethren near him put their hands on him and requested him to be quiet; but he writhed and twisted his arms and body, saying, 'how can I keep my hands off that man?' I told him if he thought it would give him any relief he might lay them on. The meeting was broken up without the apostates being able to unite on any decided measures of opposition. This was a crisis when earth and hell seemed leagued to over-

throw the Prophet and Church of God. The knees of many of the strongest men in the Church faltered.

"During this siege of darkness I stood close by Joseph, and with all the wisdom and power God bestowed upon me, put forth my utmost energies to sustain the servant of God, and unite the quorums of the Church.

"Ascertaining that a plot was laid to way-lay Joseph for the purpose of taking his life, on his return from Monroe, Michigan, to Kirtland, I procured a horse and buggy, and took Brother Wm. Smith along to meet Joseph, whom we met returning in the stage coach. Joseph requested William to take his seat in the stage, and he rode with me in the buggy. We arrived in Kirtland in safety."

The strength of Brigham Young's character broke the tide of apostacy arising among the very leaders of the Church. There were in it no less than four of the Twelve Apostles, several of the "witnesses of the Book of Mormon," and many influential Elders. To this day it has been a wonder among "Gentile" writers that the Prophet dared to excommunicate so many of his first Elders at one grand sweep. It means that Joseph and Brigham, "with the Lord on their side," were equal to anything. The part that Brigham Young acted then made him the successor of Joseph Smith.

About this time Brigham's cousins, Levi and Willard Richards, arrived in Kirtland. Willard, having read the Book of Mormon, came to enquire further concerning the book. His cousin invited him to make his home at his house during his investigation, which he did, and was baptized on the last day of the year 1836, in the presence of Heber C. Kimball and others, who had spent the afternoon cutting the ice to prepare for the ceremony. Willard Richards became one of the greatest men of the church.

On the first of June, 1837, Brigham's birthday, there were a few missionaries appointed to England, under the direction of Heber C. Kimball and Orson Hyde of the Twelve. Heber was very anxious that President Young should also go, but Joseph said he should keep Brigham at home with him. This was a sacrifice to the man who had so well earned the right "to unlock the dispensation" to foreign nations; but the moment was two critical for him to be spared. Before the mission to England started, Willard Richards was added to the number appointed. It is scarcely necessary to say that the opening of the mission to Great Britain has proved to be one of the most important events in the history of the Mormon church.

The policy of keeping Brigham home was soon apparent. "On the morning of December 22d," he says, "I left Kirtland in consequence of the fury of "the mob, and the spirit that prevailed in the apostates, who threatened to destroy me because I would proclaim, pulicly and privately, that I knew by the power of the Holy Ghost, that Joseph Smith was a prophet of the Most High God, and had not transgressed and fallen as apostates declared."

The prophet and Sidney Rigdon also fled and joined Brigham at Dublin, Indiana, where Joseph made enquiry concerning a job at cutting and sawing wood, after which he came and said: "Brother Brigham, I am destitute of means to pursue my journey, and as you are one of the Twelve Apostles, who hold the keys of the kingdom in all the world, I believe I shall throw myself upon you, and look to you for counsel in this case."

"At first," says Brigham, "I could hardly believe Joseph was in earnest, but on his assuring me he was, I said, 'If you will take my counsel, it will be that you rest yourself, and be assured, Brother Joseph, you shall have plenty of money to pursue your journey.'"

A providential sale of a tavern, owned by a Brother Tomlinson, brought the Prophet a gift of three hundred dollars, and he proceeded on his journey.

After a variety of incidents, Joseph and Brigham found themselves together in the Far West, but the Missourians soon commenced again to stir up the mob spirit, riding from neighborhood to neighborhood, making flaming speeches, priests taking lead in the crusade. This brought the exterminating army of Governor Boggs, under Generals Lucas and Clark, to drive the Mormons *en masse* out of Missouri.

Some of the mob were painted like Indians. Gillum, their leader, was painted in a similar manner. He styled himself the "Delaware chief." Afterwards he, and the rest of the mob, claimed and obtained pay, as militia, from the State.

Many of the Mormons were wounded and murdered by the army, and several women were ravished to death. "I saw," says Brigham, "Brother Joseph Smith, Sidney Rigdon, Parley P. Pratt, Lyman Wight and George W. Robinson delivered up by Colonel Hinkle to General Lucas, but expected they would have returned to the city that evening or the next morning, according to agreement, and the pledge of the sacred honor of the officers that they should be allowed to do so, but

they did not so return. The next morning General Lucas demanded and took away the arms of the militia of Caldwell County (Brigham refused to give up his arms), assuring them that they should be protected; but as soon as they obtained possession of the arms, they commenced their ravages by plundering the citizens of their bedding, clothing, money, wearing apparel, and every thing of value they could lay their hands upon, and also attempted to violate the chastity of the women in the presence of their husbands and friends. The soldiers shot down our oxen, cows, hogs and fowls at our own doors, taking part away and leaving the rest to rot in the street. They also turned their horses into our fields of corn."

At this time General Clark delivered his noted speech. He said:

"GENTLEMEN: You whose names are not attached to this list of names, will now have the privilege of going to your fields and of providing corn, wood, etc., for your families. Those that are now taken will go from this to prison, be tried, and receive the due demerit of their crimes; but you except such as charges may hereafter be preferred against, are at liberty, as soon as the troops are removed that now guard the place, which I shall cause to be done immediately.

"It now devolves upon you to fulfill the treaty that you have entered into, the leading items of which I shall now lay before you. The first requires that your leading men be given up to be tried according to law; this you have complied with. The second is, that you deliver up your arms; this has also been attended to. The third is, that you sign over your properties to defray the expenses that has been incurred on your account; this you have also done. Another article remains for you to comply with, and that is that you leave the State forthwith. And whatever may be your feelings concerning this, or whatever you innocence is, it is nothing to me. General Lucas, whose military rank is equal with mine, has made this treaty with you; I approve of it. I should have done the same had I been here, and am, therefore, determined to see it executed.

"The character of this State has suffered almost beyond redemption, from the character, conduct and influence you have exerted; and we deem it an act of justice to restore her character by every proper means.

"The order of the Governor to me was, that you should be exterminated, and not allowed to remain in the State. And had not your leaders been given up, and the terms of the treaty complied with, before this time your families would have been destroyed and your houses in ashes.

"There is a discretionary power vested in my hands, which, considering your circumstances, I shall exercise for a season. You are indebted to me for this clemency. I do not say that you shall go now, but you must not think of staying here another season, or of putting in crops; for the moment you do this the citizens will be upon you, and if I am called here again in case of your non-compliance with the treaty made, do not think that I shall act as I have done now. You need not expect any mercy, but *extermination*, for I am determined that the Governor's order shall be executed.

"As for your leaders, do not think, do not imagine for a moment, do not let it enter into your minds that they will be delivered and restored to you again, for their fate is fixed, the die is cast, their doom is sealed.

"I am sorry, gentlemen, to see so many apparently intelligent men found in the situation that you are; and oh! if I could but invoke that great spirit of the unknown God to rest upon and deliver you from that awful chain of superstition, and liberate you from those fetters of fanaticism with which you are bound—that you might no longer do homage to man!

"I would advise you to scatter abroad, and never again organize yourselves with bishops, priests, etc., least you excite the jealousies of the people and subject yourselves to the same calamities that have now come upon you.

"You have always been the aggressors. You have brought upon yourselves these difficulties, by being disaffected, and not being subject to rule. And my advice is, that you become as other citizens, lest by a recurrence of these events, you bring upon yourselves inevitable ruin."

"I was present," says Brigham, "when that speech was delivered, and when fifty-seven of our brethren were betrayed into the hands of our enemies as prisoners.

"General Clark said that we must not be seen as many as five together; 'if you are,' said he, the citizens will be upon you and destroy you; you should flee immediately out of the State. There is no alternative for you but to flee; you need not expect any redress; there is none for you.'"

"With respect to the treaty mentioned by Gen. Clark, I have to say that there never was any treaty proposed or entered into on the part of the Mormons, or any one called a Mormon, except by Col. Hinkle. And with respect to the trial of Joseph and the brethren at Richmond, I did not

consider that tribunal a legal court but an inquisition. The brethren were compelled to give away their property at the point of the bayonet.

"In February, 1839, I left Missouri with my family, leaving my landed property and also my household goods, and went to Illinois, to a little town called Atlas, Pike County, where I tarried a few weeks; then moved to Quincy.

"I held a meeting with the bretbren of the Twelve and the members of the Church in Quincy, on the 17th of March, when a letter was read to the people from the committee, on behalf of the Saints at Far West, who were left destitute of the means to move. Though the brethren were poor and stripped of almost everything, yet they manifested a spirit of willingness to do their utmost, offering to sell their hats, coats and shoes to accomplish the object. We broke bread and partook of the sacrament. At the close of the meeting $50 was collected in money, and several teams were subscribed to go and bring the brethren. Among the subscribers was the widow of Warren Smith, whose husband and two sons had their brains blown out at the massacre at Haun's Mill. She sent her only team on this charitable mission."

It was Brigham Young who superintended the removal and settling of the Mormons in Illinois, for the Prophet was now in prison with Parley P. Pratt and others.

A revelation had been given the previous year, July 8th, 1838, in answer to a petition: "Show us thy will O Lord, concerning the Twelve." The answer came thus:

"Verily thus saith the Lord, let a conference be held immediately. Let the Twelve be organized, and let men be appointed to supply the places of those who are fallen. Let my servant Thomas remain for a season in the Land of Zion to publish my word. Let the residue continue to preach from that hour, and if they will do this in all lowliness of heart, in meekness and humility, and long-suffering, I the Lord, give unto them a promise that I will provide for their families, and an effectual door shall be open for them from henceforth; and next spring let them depart to go over the great waters, and there promulgate my gospel, the fulness thereof, and bear record of my name. Let them take leave of my Saints in the city of Far West, on the 26th day of April next, on the building spot of my house, saith the Lord.

"Let my servant, John Taylor, and also my servant, John E. Page, and also my servant, Wilford Woodruff, and also my servant, Willard Richards, be appointed to fill the place of those who have fallen, and be officially notified of their appointment."

But the Saints were now in banishment, and the Twelve could only return to Far West at the imminent risk of their lives. Many of the authorities urged that the Lord would not require the Twelve to fulfill this revelation to the letter, but would take the word for the deed. "But I felt differently," said Brigham, "and so did those of the quorum who were with me. I asked them, individually, what their feelings were upon the subject. They all expressed their desire to fulfill the revelation. I told them the Lord had spoken and it was our duty to obey, and leave the event in his hands, and he would protect us."

There was a world of wisdom in this decision. The revelation was a special one concerning the Twelve Apostles themselves, and the success of their mission "across the great waters." Brigham was the master spirit of the Twelve. It would not do for that revelation to fail, now that the Church was resting on the shoulders of the Twelve; and Brigham Young was not the man to let it fail!

The Twelve started. Far West was reached in safety. They hid themselves in a grove. The mob came into Far West to tantalize the committee, boasting that this was one of Joe Smith's revelations which could not be fulfilled, and threatened the committee themselves if they were found in Far West the next day.

Early on the morning of the elect day, April 26th, the Twelve held their conference, "cut off" 31 persons from the Church, and proceeded to the building spot of the "Lord's House," where Elder Cutter, the master workman of the house, recommenced laying the foundation by rolling up a large stone near the southeast corner. There were present of the Twelve, Brigham Young, Heber C. Kimball, Orson Pratt, John E. Page, and John Taylor, who proceeded to ordain Wilford Woodruff and George A. Smith to the office of the Twelve, in place of those who had fallen. The quorum then offered up vocal prayer, each in their order, beginning with President Young, after which they sang "Adam-on-di-ahman," and took leave of the Saints according to the revelation.

"Thus," says the President, "was this revelation fulfilled, concerning which our enemies said, if all the other revelations of Joseph Smith came to pass, that one should not be fulfilled, as it had date and place to it."

After being in prison in Missouri about six months, the Prophet, with Parley P. Pratt and others, made their escape.

"It was one of the most joyful scenes of my life," says Brigham, "to once more strike hands with the Prophet, and behold him and his companions free from the hands of their enemies; Joseph conversed with us like a man who had just escaped from a thousand oppressions, and was now free in the midst of his children."

The Prophet was highly pleased with Brigham and the Twelve for what they had done; and at a conference which he immediately held at Quincy, resolutions were passed expressing the approval of the whole church.

Joseph and the Twelve next founded Nauvoo at a place then called Commerce, in Hancock County, Illinois, and soon again the Mormons gathered together as a people.

But the unhealthy labor of breaking new land on the banks of the Mississippi, for the founding of their city, invited pestilence. Nearly every one "was down" with fever and ague. The Prophet had the sick borne into his house and door-yard, until his place was like a hospital. At length, even he succumbed to the deadly contagion, and for several days was as helpless as his diciples. He was a man of mighty faith, however, and "the spirit came upon him to arise and stay the pestilence."

"Joseph arose from his bed," narrated the President, "and the power of God rested upon him. He commenced in his own house and door-yard, commanding the sick in the name of Jesus Christ to arise and be made whole; and they were healed according to his word. He then continued to travel from house to house, and from tent to tent, upon the bank of the river, healing the sick as he went, until he arrived at the upper stone house, where he crossed the river in a boat, accompanied by several of the quorum of the Twelve, and landed in Montrose. He walked into the cabin where I was lying sick, and commanded me, in the name of Jesus Christ, to arise and be made whole. I arose and was healed, and followed him and the brethren of the Twelve into the house of Elijah Fordham, who was supposed, by his family and friends to be dying. Joseph stepped to his bed-side, took him by the hand and commanded him, in the name of Jesus Christ, to arise from his bed and be made whole. His voice was as the voice of God. Brother Fordham instantly leaped from his bed, called for his clothing and followed us into the street. We then went into the house of Joseph S. Nobles, who lay very sick, and he was healed in the same manner! And when, by the power of God granted unto him, Joseph had healed all the sick, he recrossed the river, and returned to his home. This was a day never to be forgotten."

While yet emaciated from their recent sickness, the Twelve started on their mission to England.

President Young started from his home in Montrose on the 14th of September, 1839. Being still feeble, he was carried to the house of Heber C. Kimball, where he remained till the 18th. Kimball was in a similar condition; but these two chief apostles, nevertheless, resolutely set out for England, visiting Kirtland by the way.

On the 19th of March, 1840, Brigham Young, Heber C. Kimball, George A. Smith, Parley P. Pratt, Orson Pratt and Reuben Hedlock, sailed from New York on board the *Patrick Henry*, a packet of the Black Ball line. A large number of the Saints came down to the wharf to bid them farewell. When the elders got into the small boat to go out to the ship, the Saints on shore sang "The gallant ship is under way," in which song the elders joined until the voices were separated by the distance.

Liverpool was reached by these apostles on the 6th of April. It was the anniversary of the organization of the church, just ten years before. Brigham left the ship in a boat, with Heber C. Kimball and Parley P. Pratt, and when he landed he gave a loud shout of Hosanna! They procured a room at No. 8 Union Street, and here they partook of the sacrament, and returned thanks to God for his protecting care while on the waters, and prayed that their way might be opened to the successful accomplishment of their mission.

Next day they found Elder Taylor and John Moon, with about thirty Saints who had just received the work in that place. On the following day they went to Preston by railroad (which was built just at the period that the Mormon mission was introduced to that country).

In Preston, the cradle of the British mission, the apostles were met by a multitude of Saints, who rejoiced exceedingly at the great event of the arrival of the Twelve in that land.

Willard Richards immediately hastened to Preston and gave an account of the churches in the British Isles, over which he had been presiding during the interval from the return of Heber C. Kimball and Orson Hyde to America. The President of the Twelve was so emaciated from his long journey and sickness, that Willard did not at first recognize him; yet he at once commenced to grapple with the work in foreign lands, convened a conference, and wrote to Woodruff to attend.

Apostles Woodruff and Taylor had arrived in England on the first of the year since which time Taylor had founded a church in Liverpool; and Woodruff, in Herefordshire, had built up a

conference, consisting of many branches, numbering nearly a thousand souls. The President, therefore, had come at the very moment when he was most needed to give organic form to that great mission, out of which Utah itself has largely grown.

It was on the 14th of April, 1840, that the first council of the Twelve Apostles, in a foreign land, was held at Preston. There were present, Brigham Young, Heber C. Kimball, Parley P. Pratt, Orson Pratt, John Taylor, Wilford Woodruff and George A. Smith. These proceeded to ordain Willard Richards to their quorum, and then Brigham Young was chosen, by a unanimous vote, the standing President of the Twelve.

Then followed during the next two days, "a general conference of the Church of Jesus Christ of Latter-day Saints," held in Temperance Hall, Preston, with Heber C. Kimball presiding and William Clayton clerk. There were represented at that time, 1,671 members, 34 elders, 52 priests, 38 teachers, and 8 deacons.

During this conference the Apostles resolved to publish a monthly periodical—*The Millennial Star*—to be edited by Parley P. Pratt, assisted by Brigham Young, and to compile a new Hymn Book. Brigham Young, Parley P. Pratt and John Taylor were appointed a committee to select the hymns suitable for the service of the Saints; and Brigham Young, Heber C. Kimball and Parley P. Pratt, a committtee for the publication of the Book of Mormon. Upon this Brigham wrote the following characteristic letter to the Prophet:

"*To President Joseph Smith and Counselors:*

"DEAR BRETHREN:—You no doubt will have the perusal of this letter and minutes of our conferences; they will give you an idea of what we are doing in this country.

"If you see anything in or about the whole affair that is not right, I ask in the name of the Lord Jesus Christ, that you would make known unto us the mind of the Lord and his will concerning us.

"I believe that I am as willing to do the will of the Lord, and take counsel of my brethren, and be a servant of the Church, as ever I was in my life; but I can tell you, I would like to be with my old friends; I like my new ones, but I cannot part with my old ones for them.

"Concerning the Hymn Book: when we arrived here, we found the brethren had laid by their old hymn books, and they wanted new ones; for the Bible, religion and all, is new to them. * * *

"I trust that I will remain your friend through life and in eternity.

"As ever,

"BRIGHAM YOUNG."

From the conference the President accompanied Willard Woodruff into Herefordshire, which was the most important field of labor in the British mission. Here he obtained most of the money for the publication of the Book of Mormon and the Hymn Book; Brother John Benbow furnishing 250 pounds and Brother Kington 100 pounds sterling.

On the 6th of June, President Young sent off the first company of the Saints, numbering 41 souls, in the ship *Britannia*. They were bound for the "Land of Zion." He then, with his quorum held the second general conference, July 1st, in Manchester, at which were represented 41 branches, 2,513 members, 56 elders, 126 priests, 61 teachers, and 13 deacons, being an increase in three months of 842 members, 22 elders, 74 priests, 23 teachers and 5 deacons. At this conference twenty of the native elders volunteered to devote themselves exclusively to the ministry.

Soon after this conference, Parley P. Pratt, leaving for America to bring his family to England, Brigham took more immediate charge of *The Millennial Star*, assisted by Willard Richards.

In September he organized the second company of emigrants—200 souls—on board the *North America*, which sailed on the 8th.

On the 6th of October the third general conference was held at Manchester, at which 3,626 members were represented, with 81 elders, 222 priests, 74 teachers, and 26 deacons, showing an increase in the three months of 1,113 members, 25 elders, 96 priests, 15 teachers, and 13 deacons.

By this time the work had penetrated into Wales and Scotland; yet with great difficulty into the latter country.

The work in London was also opened about this time by Heber C. Kimball, George A. Smith, and Wilford Woodruff; and, notwithstanding that it afterwards became the stronghold of Mormonism in England, the elders found the metropolis hard to penetrate.

While he was in England, President Young visited London several times. On one occasion, as he passed the chapel in which John Wesley preached, he paused and respectfully uncovered his head. It was the instinctive reverence of one great man paid to another.

On the 20th of April, 1841, Brigham Young, Heber C. Kimball, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith, and Willard Richards, with a company of 130 saints, went on

board the ship *Rochester*, bound for New York. The following passage from the President's journal will give a view of what was done by the Twelve during the mission to England:

"It was with a heart full of thanksgiving and gratitude to God, my heavenly father, that I reflected upon his dealings with me and my brethren of the Twelve during the past year of my life which was spent in England. It truly seems a miracle to look upon the contrast between our landing and departing from Liverpool. We landed in the Spring of 1840, as strangers in a strange land, and penniless, but through the mercy of God we have gained many friends, established churches in almost every noted town and city of Great Britain, baptized between seven and eight thousand souls, printed 5,000 Books of Mormon, 3,000 hymn books, 2,500 volumes of the *Millennial Star*, and 50,000 tracts; emigrated to Zion 1,000 souls, establishing a permanent shipping agency, which will be a great blessing to the Saints, and have left sown in the hearts of many thousands the seeds of eternal life, which shall bring forth fruit to the honor and glory of God; and yet we have lacked nothing to eat, drink or wear; in all these things I acknowledge the hand of God."

A multitude of the Saints stood on the dock to see these successful apostles start for their native land, among whom was P. P. Pratt, who was left in charge of the British mission, and Apostle Orson Hyde, bound on a mission to Jerusalem.

On the 1st of July President Young, with Heber C. Kimball and John Taylor, arrived in Nauvoo. They were cordially welcomed by the Prophet, who several days after received the following revelation:

"Dear and well beloved brother Brigham Young, verily thus saith the Lord unto you, my servant Brigham, it is no more required at your hand to leave your family as in times past, for your offering is acceptable to me; I have seen your labor and toil in journeying for my name I therefore, command you to send my word abroad, and take special care of your family from this time henceforth and for ever, amen."

The Prophet also wrote in his history concerning the Twelve:

"All the quorum of the Twelve Apostles who were expected here this season, with the exception of Williard Richards and Wilford Woodruff, have arrived. We have listened to the accounts which they give of their success, and the prosperity of the work of the Lord in Great Britain, with pleasure.

"They certainly have been instruments in the hands of God of accomplishing much, and must have the satisfaction of knowing that they have done their duty. Perhaps no men ever undertook such an important mission under such peculiarly distressing, forbidding and unpropituous circumstances. Most of them, when they left this place, nearly two years ago, were worn down with sickness and disease, or were taken sick on the road. Several of their families were also afflicted, and needed their aid and support. But knowing that they had been called by the God of heaven to preach the gospel to other nations, they conferred not with flesh and blood, but, obedient to the heavenly mandate, ***without purse or scrip***, commenced a journey of five thousand miles entirely dependent on the providence of that God who had called them to such a holy calling.

"While journeying to the sea board, they were brought into many trying circumstances; after a short recovery from severe sickness, they would be taken with a relapse, and have to stop among strangers, without money and without friends. Their lives were several times despaired of, and they have taken each other by the hand, expecting it was the last time they should behold one another in the flesh.

"Notwithstanding their afflictions and trials, the Lord always interposed in their behalf, and did not suffer them to sink into the arms of death. Some way or other was made for their escape; friends rose up when they most needed them, and relieved their necessities, and thus they were enabled to pursue their journey and rejoice in the holy one of Israel. They truly went forth weeping, bearing precious seed, but have returned rejoicing, bearing their sheaves with them."

The Prophet had now nearly reached the zenith of his power. His marvelous career was drawing to a close. But he had lived long enough to see his mission planted firmly in the United States and Europe. He had seen, too, the very man rise by his side who, perhaps, above all men in the world, was the one most fitted in every respect to succeed him and carry the new dispensation to a successful issue. Every move which Joseph made from that moment to his death manifested his instinctive appreciation of that fact. At the next conference the Prophet called upon the Twelve to stand in their place and "bear off the Kingdom of God" victorious among all nations. From that time, too, the burden of his sayings was that he was "rolling off the kingdom from his own shoulders on to the shoulders of the Twelve." The mantle of Joseph was falling upon Brigham.

He lived barely long enough to make this appreciated, and to prepare the church for his martyrdom. A thousand times did the Prophet forshadow his death. Every day he told his people in some form of the coming event. They blinded their understanding; yet, to-day, they remember but too well the prophetic significance which indicated the close of his mortal career. If any man could have averted the stroke of fate, that man was Brigham Young. Had he been in Nauvoo he would have probably prevented the martyrdom. But strange to say, in spite of the foregoing revelation, and Joseph's evident feeling of safety with Brigham by his side, he sent him again on a mission, during which period the tragedy occurred.

But during the last two years preceding his martyrdom, the star of the Prophet burst forth in its full brilliancy. Nauvoo rose as a beautiful monument of a new dispensation. The city numbered twenty thousand souls. In its legion were mustered several thousand militia soldiers. They were the flower of Israel, and in the prime of manhood. Joseph was their lieutenant-general. With the thousands that were now expected to flock to Zion from the British mission, had his triumphant career continued, a hundred thousand of his disciples would, in a few years, have been gathered to Illinois and adjacent States. Their united votes would have controlled those States. Success would have multiplied the opportunities for success. Long ere this, following up such a prospect, the Prophet would have held half a million votes at his command among his disciples. Even some of his wisest elders were carried away by this view, while brilliant politicians and aspiring spirits outside the Church pointed the Prophet out to the nation as the "coming man," and sought to unite their destiny with his. In short, Joseph Smith became a canditate for the presidency of the United States. The first contest would of course have been lost; the second and third perhaps lost also: but ere this, the Mormon elders would have swept over the States in a political mission like an avalanche down the mountain.

There was one man, whose clear strong judgment was not glamored by this delusive view. It is scarcely necessary to say that that man was Brigham Young. His genius would have led him just where his destiny led him—namely, to the Rocky Mountains. In the very certainty that the Mormons, by their united vote, would soon rule the elections in several States consisted the Prophet's greatest danger. This people never have been guilty of crimes, but they have been guilty of unity, and have been damned by the prospect of a great destiny.

The only course that could have saved the Prophet, would have been an earlier removal to the Rocky Mountains. An expedition to explore this country had not only been planned, but was in process of organization, when the electioneering campaign, for Joseph Smith as President of the United States, came uppermost, and absorbed every other interest.

Events have since proved that had Joseph led a band of pioneers in the spring of 1844, to the Rocky Mountains, Brigham was quite equal to master an exodus and remove the entire Church. When the mob force threatened Nauvoo, and the Governor with an army, prepared to march against the devoted city, under the excuse of forestalling civil war, making the demand on the person of the Prophet for high treason, Joseph essayed to flee to the mountains. He had even started, crossing the river to the Iowa side, where he waited the enrollment of a chosen band of pioneers; but a messenger from his wife and certain of his disciples, reproaching him as a shepherd who had deserted his flock, recalled him to Nauvoo. Such a reproach was, beyond all others, the last that the lion heart of Joseph could bear and he returned and gave himself up to the authorities of Illinois. But had Brigham Young been home he never would have permitted that return. He would have thundered indignation upon the craven heads of those who thus devoted their Prophet to almost certain death. Rather would he have sent a thousand elders to guard him to the mountains, for none loved Joseph better than did Brigham Young.

It was one of those cases in which Providence overrules for the accomplishment of its wiser purposes. A triumphant career leading to empire was most in accordance with human desires, but from the hour of his death, the Church realized that a martyr's blood was necessary to consecrate a new dispensation of the gospel. Christ was a greater success than Mohammed; Joseph was more immortal in his martyr's gore than he had been in the seat at Washington. The Church mourns the event to this day—ever will look upon it as one of the darkest of earth's tragedies, but all acknowledge the hand of God in it.

Brigham was away with the majority of the Twelve when the martyrdom took place. Two only were in Nauvoo; they were Willard Richards and John Taylor. Both of these were in prison with the Prophet when the assassins, with painted faces, broke into Carthage jail, overpowered the guards, and martyred the brothers Joseph and Hyrum. No pen can describe the universal

shock felt among the Saints, when the news burst upon them, and sped throughout the United States and Europe.

Brigham Young and Orson Pratt were together at Peterboro, N. H., at the house of Brother Bemet, when a letter from Nauvoo came to a Mr. Joseph Powers, giving particulars of the assassination. The rumor met them first at Salem. Awful as it was to him, the President too well realized that unless the Twelve were equal to the occasion, the Church was in danger of dissolution or a great schism. At best, the Saints must feel for a moment as sheep without a shepherd.

Those who have followed him in his eventful career, know that Brigham was always greatest on great occasions. He never failed in a trying hour. The disciples of Christ, with Peter at their head, went sorrowfully to their fishing nets after the crucifixion; but not so with these modern apostles. "The first thing that I thought of," said the President, "was whether Joseph had taken the keys of the kingdom with him from the earth. Brother Orson Pratt sat on my left; we were both leaning back in our chairs. Bringing my hand down on my knee, I said, the keys of the kingdom are right here with the Church."

The President immediately started for Boston, where he held council with Heber C. Kimball, Orson Pratt and Wilford Woodruff, relative to their return to Nauvoo. Heber and Brigham remained there a week awaiting the arrival of Apostle Lyman Wight. During their stay they ordained, at one evening meeting, thirty-two elders. This act was conclusive evidence that these apostles did not intend to let the Church die.

As soon as Lyman Wight arrived the three set out for Nauvoo, and at Albany they were joined by Orson Hyde, Orson Pratt and Wilford Woodruff.

A stupendous burden rested upon the shoulders of the Twelve. The Church had not only to be comforted in its great affliction, and made to realize by a sufficient manifestation of apostolic power, that the keys were "right here with the Church," but to establish an authorized succession. Sidney Rigdon was already at Nauvoo. He had been the second counsellor to the Prophet, and Hyrum the first counsellor, was a martyr with his brother. Sidney was now a claimant for the leadership. The Twelve knew that they should have first to grapple with this brilliant but unfit man, and knew that Sidney would, if possible, wreck the Church in his vain-glorious ambitions.

Granting that the keys of the kingdom remained on earth, who held them? This was the all-important question before the Saints, when Brigham Young and the Twelve arrived at Nauvoo on the 6th of August, 1844.

Sidney Rigdon, the second counsellor of the martyred Prophet, arrived at Nauvoo before the President of the Twelve. He had for some time been as an unstable staff to his chief, and the Saints were not in a frame of mind to look upon him as "the man whom God had called" to sustain the Church in that awful hour. But the vain-glorious Rigdon had come to claim the guardianship of the Church, in the absence of the majority of the Twelve. There were enough, however, of that quorum in Nauvoo to prevent Sidney from beguiling the people into an untimely action.

When Rigdon appeared before the congregation, he related a vision which he said the Lord had shown him concerning the situation of the Church, and declared that there must be a guardian chosen "to build up the kingdom to Joseph." He was the identical man, he said, that the prophets had sung about, wrote about and rejoiced over; he was to do the identical work that had been the theme of all the prophets in every preceding generation.

Elder Parley P. Pratt remarked "I am the identical man the prophets never sung nor wrote a word about."

Marks, the president of the stake, appointed a day for a special conference, for the purpose of choosing a guardian.

Willard Richards proposed waiting till the Twelve Apostles returned, and advised the people to "ask the wisdom of God."

Elder Grover proposed waiting to examine the revelation.

And thus the elders were variously moved.

Rigdon sought to evade coming in council with such men as Willard Richards, Parley P. Pratt, John Taylor and George A. Smith, but at length he was forced to a meeting with them. Entering, he paced the room and said:

"Gentlemen, you are used up; gentlemen, you are divided; the anti-Mormons have got you; the brethren are voting every way, some for James, some for Deming, some for Coulson and some for Bedell. The anti-Mormons have got you; you can't stay in the country; everything is in confusion; you can do nothing. You lack a great leader; you want a head; and unless you unite.

upon that head, you're blown to the four winds. The anti-Mormons will carry the election; a guardian must be appointed."

"Brethren," said George A. Smith, "Elder Rigdon is entirely mistaken. There is no division; the brethren are united; the election will be unanimous, and the friends of law and order will be elected by a thousand majority. There is no occasion to be alarmed. Brother Rigdon is inspiring fears there are no grounds for."

With the return of President Young and the remainder of the Twelve vanished Rigdon's last chance of being elected Guardian of the Church; "but," says Apostle Woodruff, in his journal, "when we landed in the city a deep gloom seemed to rest over Nauvoo which we never experienced before. The minds of the Saints were agitated; their hearts sorrowful, and darkness seemed to cloud their path. They felt like sheep without a shepherd. Their beloved Prophet having been taken away."

President Young immediately called a special conference, to give Sidney Rigdon the opportunity to lay before the Church his claims for the leadership. It was August 8th, 1844. That day it was practically to be decided who was to "lead Israel."

At the hour appointed, Sidney took his position in a wagon, about two rods in front of the stand, where sat the Twelve. For nearly two hours he harangued the Saints upon the subject of choosing a guardian for the Church. But his words fell upon the congregation like an untimely shower.

"The Lord hath not chosen you!" Thus felt the Mormon Israel as his words died upon the ear.

At two P. M. the second meeting was convened.

"Attention all!" The voice rang over that vast congregation; it was the voice of Brigham Young. "This congregation," he said, "makes me think of the days of King Benjamin, the multitude being so great that all could not hear. For the first time in my life, for the first time in your lives, for the first time in the Kingdom of God, in the nineteenth century, without a prophet at our head, do I step forth to act in my calling in connection with the quorum of the Twelve, as Apostles of Jesus Christ unto this generation—Apostles whom God has called by revelation through the Prophet Joseph Smith, who are ordained and anointed to bear off the keys of the Kingdom of God in all the world. This people have hitherto walked by sight and not by faith. You have had a prophet as the mouth of the Lord to speak to you, but he has sealed his testimony with his blood, and now for the first time are you called to walk by faith—not by sight.

"The first position I take in behalf of the Twelve and the people is to ask a few questions. I ask the Latter day Saints, do you, as individuals, at this time, want to choose a prophet or a guardian? Inasmuch as our Prophet and Patriarch are taken from our midst, do you want some one to guard, to guide and lead you through this world into the Kingdom of God or not? All who want some person to be a guardian, or a prophet, a spokesman, or something else, signify it by raising the right hand. (No votes).

"When I came to this stand I had peculiar feelings and impressions. The faces of this people seem to say, we want a shepherd to guide and lead us through this world. All who want to draw away a party from the Church after them, let them do it if they can, but they will not prosper.

"If any man thinks he has influence among this people, to lead away a party, let him try it, and he will find out that there is power with the Apostles which will carry them off victorious through all the world, and build up and defend the Church and Kingdom of God.

"What do the people want? I feel as though I wanted the privilege to weep and mourn for thirty days at least, then rise up, shake myself, and tell the people what the Lord wants of them. Although my heart is too full of mourning to launch forth into business transactions and the organization of the Church, I feel compelled this day to step forth in discharge of those duties God has placed upon me.

"There has been much said about Brother Rigdon being President of the Church, and leading people, being the head, etc. Brother Rigdon has come 1,600 miles to tell you what he wants to do for you. If the people want Brother Rigdon to lead them, they may have him; but, I say unto you the Twelve have the keys of the Kingdom of God in all the world.

"The Twelve are pointed out by the finger of God. Here is Brigham, have his knees ever faltered? Have his lips ever quivered? Here is Heber and the rest of the Twelve; an independent body, who have the keys of the priesthood, the keys of the Kingdom of God to deliver to all the world; this is true, so help me God! They stand next to Joseph, and are as the first presidency of the Church.

"I do not know whether my enemies will take my life or not, and I do not care, for I wait to be with the man I love.

"You cannot fill the office of a prophet, seer and revelator: God must do this. You are like children without a father and sheep without a shepherd. You must not appoint any man at your head; if you should the Twelve must ordain him. You cannot appoint a man at your head; but if you do want any other man or men to lead you, take them, and we will go our way to build up the kingdom in all the world.

"I tell you there is an over anxiety to hurry matters here. You cannot take any man and put him at the head; you would scatter the Saints to the four winds; you would sever the priesthood. So long as we remain as we are, the heavenly head is in constant co-operation with us; and if you go out of that course God will have nothing to do with you.

"Again, perhaps some think that our beloved Brother Rigdon would not be honored, would not be looked to as a friend; but if he does right, and remains faithful, he will not act against our counsel nor we against his, but act together, and we shall be as one.

"I again repeat, no man can stand at our head except God reveals it from the heavens.

"I have spared no pains to learn my lesson of the kingdom in this world, and in the eternal worlds. If it were not so I could go and live in peace; but for the gospel and your sakes, I shall stand in my place. We are liable to be killed all the day long. You never lived by faith.

"Brother Joseph, the Prophet, has laid the fonndation of a great work, and we will build upon it. You have never seen the quorums built one upon another. There is an Almighty foundation laid. And we can build a kingdom such as there never was in the world; we can build a kingdom faster than Satan can kill the Saints off.

"Elder Rigdon claims to be a spokesman to the Prophet. Very well, he was; but can he now act in office? If he wants now to be a spokesman to the Prophet, he must go to the other side of the veil, for the Prophet is there; but Elder Rigdon is here. Why will Elder Rigdon be a fool? I am plain.

"I will ask, who has stood next to Joseph and Hyrum? I have, and I will stand next to them. We have a head, and that head is the apostleship, the spirit and the power of Joseph, and we can now begin to see the necessity of that apostleship.

"Brother Rigdon was at his side—not above. No man has a right to counsel the Twelve but Joseph Smith. Think of these things. You cannot appoint a prophet, but if you will let the Twelve remain and act in their place, the keys of the kingdom are with them, and they can manage the affairs of the Church, and direct all things aright."

Much more was said by the President, but this brief synopsis will be sufficient to show the master spirit stepping into the place to which destiny had appointed him. On all these grand occasions of his life, Brigham Young has towered above his fellows, not so much in the character of a "spokesman," as in that of a great and potent leader, whose spirit could inspire a whole people with his own matchless confidence and energy.

That day, "all Istrael" felt that the spirit which had moved Joseph to his work was living in Brigham Young. Apostle Cannon, describing the circumstance, says:

"It was the first sound of his voice which the people had heard since he had gone East on his mission, and the effect upon them was most wonderful. Who that was present on that occasion can ever forget the impression that it made upon them? If Joseph had risen from the dead, and again spoken in their hearing, the effect could not have been more startling than it was to many present at that meeting; it was the voice of Joseph himself; and not only was it the voice of Joseph which was heard, but it seemed in the eyes of the people as though it was the very person of Joseph which stood before them. A more wonderful and miraculous event than was wrought that day in the presence of that congregation we ever heard of. The Lord gave his people a testimony that left no room for doubt, as to who was the man he had chosen to lead them. They both saw and heard with their natural eyes and ears; and then the words which were uttered came, accompanied by the convincing power of God to their hearts, and they were filled with the Spirit and with great joy. There had been gloom and, in some hearts probably, doubt and uncertainty; but now it was plain to all that here was the man upon whom the Lord had bestowed the necessary authority to act in their midst in Joseph's stead."

That day saved the Church. The anti-Mormons had imagined that it was only necessary to murder the Prophet and Mormonism would cease to have a name in the earth. But "the blood of the Prophet was the seed of the Church;" and a great man had risen to fulfill his mission.

The Twelve was sustained as the first Presidency by the unanimous vote of the people. Rigdon left for Pittsburgh, and gathered around him a few of his disciples, while the apostles at Nauvoo set to work to enlarge their superstructure.

"You have never seen the quorums built one upon another," Brigham had said on that great occasion. "There is an almighty foundation laid, and we will build a kingdom such as there never was in the world."

This was more fully comprehended when, at the next October conference, there was about sixty high priests and four hundred and thirty seventies ordained. And to-day his words have still a broader meaning for there are now nearly one hundred quorums of the seventies, who constitute the grand missionary army of the Church, under the Twelve Apostles.

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But turn we now to the more secular history of the Mormon people.

On the 27th of September, 1844, Governor Ford marched five hundred troops into Nauvoo. He came ostensibly to bring the murderers of Joseph and Hyrum Smith to justice; for as they were, at the time of their assassination, State prisoners, under the plighted faith of the State, the Governor could do nothing less than support an investigation. On the day of his arrival, Brigham Young received his commission as Lieutenant-General of the Nauvoo Legion, previously held by Joseph Smith, and the next day the following was sent to His Excellency:

"HEAD-QUARTERS NAUVOO LEGION, Sept. 28th, 1844.

*Sir*:—The review of the Nauvoo Legion will take place this day at 12 M., at which time the Commander-in-chief, with his staff, is respectfully solicited to accept an escort from the Legion, and be present at the review.

"BRIGHAM YOUNG,
"*Lieut.-Gen. Nauvoo Legion.*"

The Lieutenant-General reviewed the Legion, the Governor, General J. J. Harden and staff present. Salutes were fired, and the Legion made a soldier-like appearance; several of its staff officers, however, came in uniform but without arms, which the Governor regarded as a hint to remind him of his having disarmed the Legion previous to the massacre of Joseph Smith.

Soon afterwards the Governor issued the following very suggestive order, accompanied with instructions:

"STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
"SPRINGFIELD, Oct. 9th, 1844.

"*To Lieut.-General Brigham Young, of the Nauvoo Legion.*

"SIR:—It may be probable that there may be further disturbances in Hancock County by those opposed to the prosecutions against the murderers of Joseph and Hyrum Smith. They may combine together in arms to subvert justice and prevent those prosecutions from going on. They may also attack or resist the civil authorities of the State in that county, and they may attack some of the settlements or people there with violence.

"The sheriff of the county may want a military force to guard the court and protect it, or its officers or the jurors thereof, or the witnesses attending court, from the violence of a mob.

"In all these cases you are hereby ordered and directed to hold in readiness a sufficient force, under your command, of the Nauvoo Legion, to act under the direction of the said sheriff, for the purpose aforesaid; and also to suppress mobs which may be collected in said county to injure the persons or property of any of the citizens.

"In testimony whereof, I have hereunto set my hand and affixed the seal of the State, the day and year first herein above written

"THOMAS FORD,
"*Governor and Commander-in-chief.*"

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"The inclosed order is one of great delicacy to execute. I have conversed with Mr. Backenstos and others, and my opinion is the same as theirs, that employing the Legion, even legally, may call down the vengeance of the people against your city. If it should be the means of getting up a civil war in Hancock, I do not know how much force I could bring to the aid of the Government. A force to be efficient would have to be called out as volunteers; a draft would bring

friends and enemies alike. I called for twenty-five hundred before; and, by ordering out independent companies, got four hundred and seventy-five. Three of those companies, the most efficient, have been broken up, and would refuse to go again. I should anticipate but a small force could be raised by volunteers. I would not undertake to march a drafted militia there. Two-thirds of them would join the enemy. The enclosed order is more intended as a permission to use the Legion, in the manner indicated, if upon consideration of the whole matter it is thought advisable, than a compulsory command.

"Your most wise and discreet counsellors and the county officers will have to act according to their best judgment.

"THOMAS FORD."

This order, with the private instructions, is very significant, in connection with the history of the Mormons in Missouri and Illinois. Constitutionally they were right. The murder of the Prophet and his brother had brought them into the service of the State. Thus employed, Brigham Young and the Legion could have taken care of their people, and, if necessary, could have maintained the Governor through the issue of a civil war. This would, however, have given Illinois to the dominance of the Mormons. Hence the "delicacy" of his Excellency in calling the Legion into service; doing substantially what Joseph Smith had done, which in him had been construed as high treason against the State.

The anti-Mormons were keen to perceive the advantage which the people of Nauvoo had gained not only from the intrinsic righteousness of their cause, but in their patient bearing of intolerable wrongs. It became their policy from that moment to repeal the charter of Nauvoo and the charter of the Legion. This the legislature of Illinois did in the month of January, 1845. The Mormon people were now virtually outlawed, and all constitutional powers for their preservation taken away from them.

The members of the legislature were but too ready to execute any plan proposed for the extinction of the Mormon community. One of the members of the senate, Jacob C. Davis, was under indictment for the murder of the Prophet and his brother. In relation to this action of the legislature, the attorney-general of the State, Josiah Lamborn, wrote to President Young thus:

"I have always considered that your enemies have been prompted by religious and political prejudices, and by a desire for plunder and blood, more than for the common good. By the repeal of your charter, and by refusing all amendments and modifications, our legislature has given a kind of sanction to the barbarous manner in which you have been treated. Your two representatives exerted themselves to the extent of their ability in your behalf, but the tide of popular passion and frenzy was too strong to be resisted. It is truly a melancholy spectacle to witness the law-makers of a sovereign State condescending to pander to the vices, ignorance and malevolence of a class of people who are at all times ready for riot, murder and rebellion."

Of Jacob C. Davis, he said.

"Your senator, Jacob C. Davis, has done much to poison the minds of members against anything in your favor. He walks at large, in defiance of law, an indicted murderer. If a Mormon was in his position, the senate would afford no protection, but he would be dragged forth to the jail or to the gallows, or to be shot down by a cowardly and brutal mob."

On the 19th of May, the trial of the men indicted by the grand jury for the murder of Joseph and Hyrum Smith, was begun at Carthage, Hon. Richard M. Young of Quincy on the bench. The men on trial were: Col. Levi Williams, a Baptist preacher; Thomas C. Sharp, editor of the *Warsaw Signal*; Jacob C. Davis, senator; Mark Aldrich and William N. Grover. They were outrageously held to bail, upon their *personal recognizances*, in the unprecedentedly insignificant sum of one thousand dollars each, to make their appearance in the court each day of the term. They made two affidavits, asking for the array of jurors to be quashed, obtained the discharge of the county commissioners, the sheriff and his deputies, and the appointment by the court of two special officers to select jurors. Ninety-six were summoned, out of whom the defence chose a suitable panel. One of the lawyers for the accused, Calvin A. Warren, in his defence of them, said: "If the prisoners were guilty of murder, then he himself was guilty. It was the public opinion that the Smiths ought to be killed, and the public opinion made the laws; consequently it was not murder to kill them!" This was strange doctrine to be affirmed in a great murder case, in which the State was a party, not in an ordinary but an extraordinary sense; affirmed too and sustained in open court.

It is scarcely necessary to add that the assassins were "honorably acquitted!"

But the tragedy of those days was not without an occasional relief. One of the richest practical jokes ever perpetrated is thus related by one of the actors:

"By the time we were at work in the Nauvoo Temple," says President Young, "officiating in the ordinances, the mob had learned that 'Mormonism' was not dead, as they had supposed. We had completed the walls of the temple, and the attic story from about half-way up of the first windows, in about fifteen months. It went up like magic, and then we commenced officiating in the ordinances. Then the mob commenced to hunt for other victims; they had already killed the Prophet Joseph and his brother Hyrum in Carthage jail, while under the pledge of the State for their safety, and now they wanted Brigham, the President of the Twelve Apostles, who were then acting as the presidency of the Church. I was in my room in the temple; it was the southeast corner of the upper story. I learned that a posse was lurking around the temple, and that the United States Marshal was waiting for me to come down, whereupon I knelt down and asked my Father in heaven, in the name of Jesus, to guide and protect me, that I might live to prove advantageous to the Saints; I arose from my knees, and sat down in my chair. There came a rap at my door. Come in, I said: and Brother George D. Grant, who was then engaged driving my carriage and doing chores for me, entered the room. 'Said he, 'Brother Brigham, do you know that a posse and the United States Marshal are here?' I told him I had heard so. On entering the room, Brother Grant left the door open. Nothing came into my mind what to do until looking across the hall, I saw Brother William Miller leaning against the wall. As I stepped towards the door I beckoned to him; he came. Brother William, I said, the marshal is here for me; will you go and do just as I tell you? If you will I will serve them a trick. I knew that Brother Miller was an excellent man, perfectly reliable, capable of carrying out my project, Here take my cloak, said I; but it happened to be Brother Heber C. Kimball's; our cloaks were alike in color, fashion and size. I threw it around his shoulders, and told him to wear my hat and accompany Brother George D. Grant. He did so. George, you step into the carriage, said I to Brother Grant, and look towards Brother Miller, and say to him, as though you were addressing me, are you ready to ride? You can do this, and they will suppose Brother Miller to be me, and proceed accordingly; which they did. Just as Brother Miller was entering the carriage, the Marshal stepped up to him, and, placing his hand upon his shoulder, said. 'You are my prisoner.' Brother William entered the carriage, and said to the marshal, 'I am going to the Mansion House, won't you ride with me?' They both went to the Mansion House. There were my sons Joseph A., Brigham Jr., and Brother Heber C. Kimball's boys and others, who were looking on, and all seemed at once to understand and participate in the joke. They followed the carriage to the Mansion House, and gathered around Brother Miller with tears in their eyes, saying, father, or President Young, where are you going? Brother Miller looked at them kindly, but made no reply; and the marshal really thought he had got 'Brother Brigham.'

"Lawyer Edmonds, who was then staying at the Mansion House, appreciating the joke, volunteered to Brother Miller to go to Carthage with him and see him safe through.

"When they arrived within two or three miles of Carthage, the marshal, with his posse, stopped. They arose in their carriages, buggies and wagons, and, like a tribe of Indians going to battle, or as if they were a pack of demons, yelling and shouting, exclaimed: 'We've got him; we've got him; we've got him!'

"When they reached Carthage, the marshal took the supposed Brigham into an upper room of the hotel, and placed a guard over him, at the same time telling those around that he had got him. Brother Miller remained in the room until they bid him come to supper. While there, parties came in, one after the other, and asked for Brigham. Brother Miller was pointed out to them. So it continued, until an apostate Mormon, by the name of Thatcher, who had lived in Nauvoo, came in, sat down and asked the landlord where Brigham was.

"'That is Mr. Young,' said the landlord, pointing across the table to Brother Miller.

"'Where? I can't see any one that looks like Brigham,' Thatcher replied.

"The landlord told him it was that fleshy man, eating.

"'Oh, H—l!' exclaimed Thatcher, 'that's not Brigham; that's William Miller, one of my old neighbors.'

"Upon hearing this the landlord went, and, tapping the sheriff on the shoulder, took him a few steps to one side, and said:

"'You have made a mistake. That is not Brigham Young. It is William Miller, of Nauvoo.'

"The marshal, very much astonished, exclaimed: 'Good heavens! and he passed for Brigham.'

He then took Brother Miller into a room, and turning to him, said: 'What in h—l is the reason you did not tell me your name?'

"'You have not asked me my name,' Brother Miller replied.

"'Well, what is your name?' said the sheriff, with another oath.

"'My name is William Miller.'

"'I thought your name was Brigham Young. Do you say this for a fact?'

"'Certainly I do,' returned Brother Miller.

"'Then,' said the marshal, 'Why did you not tell me that before?'

"'I was under no obligation to tell you,' replied Miller.

"The marshal, in a rage, walked out of the room, followed by Brother Miller, who walked off in company with Lawyer Edmonds, Sheriff Backenstos and others, who took him across lots to a place of safety; and this is the real birth of the story of 'Bogus Brigham,' as far as I can recollect."

The energy, referred to by the President in the completion of the temple, signifies that the authorities were anxious for the Saints to receive their endowments before their removal, which was every day becoming more matured and pressing in their minds. They did not wish to make their flight in haste, and it was pretty evident that they had not a moment to spare for a well-planned exodus.

It may seem strange to some, who do not appreciate the earnest, genuine faith of these singular people, that they should thus finish their temple merely, as it would seem, to leave it as a monument for a triumphant mob. But the Saints had been commanded by revelation to build that temple; and the administration of their ordinances was of more than earthly importance to them.

From their retreats, where they had secreted themselves to avoid arrest, President Young and the apostles came forth on the morning of Saturday, the 24th of May, 1845, to lay the cap-stone on the southeast corner of the temple.

"The singers sang their sweetes notes," writes one of the apostles; "their voices thrilled the hearts of the assemblage, and the music of the band, which played on the occasion, never sounded more charming; and when President Young placed the stone in its position and said:

"The last stone is now laid upon the temple and I pray the Almighty, in the name of Jesus, to defend us in this place and sustain us until the temple is finished, and we have all got our endowments.' And the whole congregation shouted, 'Hosanna! Hosanna! Hosanna, to God and the Lamb, amen, amen, and amen;' and repeated these words the second and third time. The Spirit of God descended upon the people; gladness filled every heart, and tears of joy coursed down many cheeks. The words of praise were uttered with earnestness and fervor; it was a relief to many to be able to give expression to the feelings with which their hearts were overcharged. Altogether the scene was a very impressive one, and we doubt not that angels looked upon it and rejoiced."

"So let it be," said President Young, concluding the ceremonies; "this is the seventh day of the week, or the Jewish Sabbath. It is the day on which the Almighty finished his work and rested from his labors. We have finished the walls of the temple, and may rest to-day from our labors."

The workmen were dismissed for the day, the congregation dispersed, and the Twelve Apostles returned to their places of retreat.

Governor Ford, in a letter to President Young, under date of April 8th, 1845, urging the migration of the Mormons to California, said:

"If you can get off by yourselves you may enjoy peace; but, surrounded by such neighbors, I confess that I do not see the time when you will be permitted to enjoy quiet. I was informed by General Joseph Smith last summer that he contemplated a removal west; and from what I learned from him and others at that time, I think, if he had lived, he would have begun to move in the matter before this time. I would be willing to exert all my feeble abilities and influence to further your views in this respect if it was the wish of your people.

"I would suggest a matter in confidence. California now offers a field for the prettiest enterprise that has been undertaken in modern times. It is but sparsely inhabited, and by none but the Indian or imbecile Mexican Spaniards. I have not enquired enough to know how strong it is in men and means. But this we know, that if conquered from Mexico, that country is so physically weak and morally distracted that she could never send a force there to reconquer it. Why should it not be a pretty operation for your people to go out there, take possession of and conquer a portion of the vacant country, and establish an independent government of your own, subject only to the laws of nations? You would remain there a long time before you would be disturbed by the proximity of

other settlements. If you conclude to do this, your design ought not to be known, or otherwise it would become the duty of the United States to prevent your emigration. If once you cross the line of the United States Territories, you would be in no danger of being interfered with."

Knowing the intention of Joseph Smith to remove the Mormon people, Senator Douglass and others had given similiar advice to him; and the very fact that such men looked upon the Mormons as quite equal to an establishment of an independent nationality, is most convincing proof that not their wrong-doing, but their empire-founding genius has been, and still is, the cause of the "irrepressible conflict" between them and the Gentiles.

The advice of Governor Ford, however, was neither sought nor required. Brigham had nearly matured every part of the movement, shaping also the emigration from the British mission; but the Rocky Mountains not California proper, was the place chosen for his people's retreat—*Tullidge's Life of Brigham Young*.

From this point the history of Brigham Young will be found in the body of the work.

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## HEBER C. KIMBALL.

Heber Chase Kimball was born June 14th, 1801, in the town of Sheldon, Franklin County, Vermont. His father (Solomon Farnham Kimball) and his mother (Anna Spaulding Kimball) were American born, although of English extraction. Up to the age of nineteen his life was about the same as that of the other lads of his day and situation; a few months of attendance at the common school, and ordinary labor with his father, making up the sum of his opportunities and experiences. At about the age mentioned, however, a change occurred in his father's circumstances which resulted in throwing young Kimball upon his own resources. Being extremely diffident in disposition, and inexperienced in the ways of the world, he suffered many hardships—two or three times nearly perishing from hunger. His condition being finally brought to the attention of an older brother, he was offered by him an opportunity to learn the potter's trade, which offer he gladly accepted, remaining in apprenticeship until he was twenty-one years of age, and afterward working for his brother as a journeyman. While with his brother they removed to Mendon, Monroe County, New York, where the latter established another pottery. Although this incident was commonplace in itself, it nevertheless brought young Kimball within the circle of those influences that afterward outwrought for him a most wonderful career.

In the Fall of 1823, he was married to Miss Vilate Murray, of Victor, Ontario County, New York, and shortly thereafter purchased his brother's business, and settled down to the quiet prosecution of the same.

While thus employed, it must not be forgotten, he often brought his mind to the consideration of the subject of religion, and was finally persuaded to an expression of faith which led him to join the Baptist Church. Only a few weeks elapsed thereafter, however, when the fame of certain elders of the Church of Latter-day Saints reached his ears, and, being prompted by curiosity, he went to see them at the house of Phineas H. Young, in Victor, when he, to use his own words, "for the first time heard the fulness of the everlasting gospel." Speaking of his subsequent confirmation, he said, "under the ordinances of baptism and laying on of hands, I received the Holy Ghost, as the disciples did in ancient days, which was like a consuming fire; and I was clothed in my right mind, although the people called me crazy. I continued in this way for many months, and it seemed as though my flesh would consume away; at the same time the Scriptures were unfolded to my mind in such a wonderful manner that it appeared to me at times as if I had formerly been familiar with them."

Being ordained an elder by Joseph Young, he, in company with him and Brigham Young, labored in Genesee, Avon and Lyonstown, where many were baptized and church organizations

effected. About this time these three went to Kirtland, Ohio, where for the first time they saw the Prophet, Joseph Smith.

In the Fall of 1833, he removed to Kirtland, being accompanied on the journey by Brigham Young.

Passing over the less noteworthy events which followed, we come at once to the incident which was the determining point in his marked career. Of that event his journal says:

On or about the first day of June, 1837, the Prophet Joseph came to me, while I was seated in the front stand, above the sacrament table, on the Melchisedec side of the Temple, in Kirtland, and whispering to me, said: "Brother Heber, the Spirit of the Lord has whispered to me, let my servant Heber go to England and proclaim my gospel, and open the door of salvation to that nation."

I was then set apart, along with Elder Hyde, who was likewise appointed to that mission, by the laying on of the hands of the Presidency, who agreed that Elders Goodson, Russell, Richards, Fielding and Snider should accompany us. After spending a few days in arranging my affairs and settling my business, on the thirteenth day of June, A. D. 1837, I bade adieu to my family and friends, and the town of Kirtland, where the house of the Lord stood, in which I had received my annointing, and had seen such wonderful displays of the power and glory of God.

Having obtained as much money as would pay our passage across the Atlantic, we laid in a stock of provisions, and on the first day of July went on board the ship *Garrick*, bound for Liverpool, and weighed anchor about 10 o'clock, a. m., and about 4 o'clock, p. m., of the same day, lost sight of my native land. When we first got sight of Liverpool, I went to the side of the vessel and poured out my soul in praise and thanksgiving to God for the prosperous voyage, and for all the mercies which he had vouchsafed to me, and while thus engaged, and while contemplating the scenery which then presented itself, and the circumstances which had brought me thus far, the Spirit of the Lord rested upon me in a powerful manner; my soul was filled with love and gratitude, and was humbled within me, while I covenanted to dedicate myself to God and to love and serve Him with all my heart. Immediately after we anchored, a small boat came alongside, and several of the passengers, with Brothers Hyde, Richards, Goodson and myself got in and went on shore. When we were within six or seven feet from the pier, I leaped on shore, and for the first time in my life stood on British ground, among strangers whose manners and customs were different from my own. My feelings at that time were peculiar, particularly when I realized the object, importance and extent of my mission, and the work to which I had been appointed and in which I was shortly to be engaged.

Having no means, poor and penniless we wandered in the streets of that great city, where wealth and luxury, penury and want abound. The time we were in Liverpool was spent in council and in calling on the Lord for direction, so that we might be led to places where we should be most useful in proclaiming the gospel and in establishing and spreading His kingdom. While thus engaged, the Spirit of the Lord, the mighty power of God, was with us, and we felt greatly strengthened, and a determination to go forward, come life or death, honor or reproach, was manifested by us all. Our trust was in God, who we believed could make us as useful in bringing down the kingdom of Satan as He did the rams' horns in bringing down the walls of Jericho, and in gathering out a number of precious souls who were buried amidst the rubbish of tradition, and who had none to show them the way of truth.

Feeling led by the Spirit of the Lord to go to Preston, a large manufacturing town in Lancashire, we started for that place three days after our arrival in Liverpool. We went by coach and arrived on Saturday afternoon about 4 o'clock. After unloading our trunks, Brother Goodson went in search of a place of lodging, and Brother Fielding went to seek a brother of his, who was a minister, residing in that place.

It being the day on which their representatives were chosen, the streets presented a very busy scene; indeed I never witnessed anything like it before in my life.

On one of the flags, which was just unrolled before us the moment the coach reached its destination, was the following motto: "Truth Will Prevail," which was painted in large gilt letters. It being so very seasonable and the sentiment being so appropriate to us in our situation, we were involuntarily led to exclaim, "Amen! So let it be."

Brother Goodson having found a room where we could be accommodated, which belonged to a widow woman situated in Wilford Street, we moved our baggage there. Shortly after, Brother Fielding returned, having found his brother, who requested to have an interview with some of us that evening. Accordingly, Elders Hyde, Goodson and I went and were kindly received by him and Mr. Watson, his brother-in-law, who was present at the time.

We gave them a short account of the object of our mission and the great work which the Lord had commenced, and conversed upon those subjects until a late hour. The next morning we were presented with half a crown, which Mr. Fielding's sister had sent us.

It being Sunday, we went to hear Mr. Fielding preach. After he had finished his discourse, and without being requested by us, he gave out an appointment for some one of us to preach in the afternoon.

It being noised abroad that some elders from America were in town and were going to preach in the afternoon, a large concourse of people assembled to hear us. It falling to my lot to speak, I called their attention to the first principles of the gospel, and told them something of the nature of the work which the Lord had commenced on the earth. Brother Hyde afterwards bore testimony to the same, which I believe was received by many with whom I afterwards conversed

Another appointment was given out for us in the evening, at which time Brother Goodson preached and Brother Fielding bore testimony. An appointment was then made for us on Wednesday evening at the same place, at which time Elder Hyde preached. A number now being convinced of the truth, believed the testimony and began to praise God and rejoice exceedingly that the Lord had again visited His people, and sent His servants to lay before them the doctrine of the gospel "and the truth as it is in Jesus."

The Rev. Mr. Fielding, who had kindly invited us to preach in his chapel, knowing that quite a number of his members believed our testimony and that some were wishful to be baptized, shut his doors against us and would suffer us to preach no more in his chapel. For an excuse, he said that we had preached the doctrine of baptism for the remission of sins, contrary to our arrangement with him.

I need scarcely assure my friends that nothing was said to him from which any inference could be drawn that we should suppress the doctrine of baptism. No! we deemed it too important a doc- to lay aside for any privilege we could receive from mortals. Mr. Fielding understood our doctrines even before we came there, having received several communications from his brother Joseph, who wrote to him from Canada, explaining the doctrines of the Church of Jesus Christ of Latter-day Saints. We likewise had conversed with him on the subject at our former interview. However, he having been traditioned to believe in infant baptism, and having preached and practiced the same for a number of years, he saw the situation he would be placed in if he obeyed the gospel. Notwithstanding his talents and standing in society, he would have to come into the sheepfold by the door; and after all his preaching to others, have to baptized himself for the remission of sins by those who were ordained to that power.

These considerations undoubtedly had their weight upon his mind, and caused him to act as he did, and notwithstanding his former kindness he soon became one of our most violent opposers.

An observation which escaped his lips shortly after this circumstance, I shall here mention. Speaking one day respecting the three first sermons which were preached in that place, he said that "Kimball bored the holes, Goodson drove the nails and Hyde clinched them."

However, his congregation did not follow his example; they had for some time been praying for our coming, and had been assured by Mr. Fielding that he could not place more confidence in an angel than he did in the statements of his brother respecting this people. Consequently, they were in a great measure prepared for the reception of the gospel, probably as much so as Cornelius was anciently. Having now no public place to preach in, we began to preach in private houses, which were opened in every direction, while numbers believed the gospel. After we had been in that place eight days, we began to baptize in the name of the Lord Jesus for the remission of sins. One "reverend" gentleman came and forbid us baptizing any of his members; but we told him that all who were of age and requested baptism we should undoubtedly administer that ordinance to.

One Saturday evening I was appointed by the brethren to baptize a number the next morning in the river Ribble, which runs through that place. By this time, the adversary of souls began to rage, and he felt a determination to destroy us before we had fully established the gospel in that land; and the next morning I witnessed such a scene of satanic power and influence as I shall never forget while memory lasts.

About day-break, Brother Russell (who was appointed to preach in the market-place that day), who slept in the second story of the house in which we were entertained, came up to the room where Elder Hyde and I were sleeping and called upon us to arise and pray for him, for he was so afflicted with evil spirits that he could not live long unless he should obtain relief.

We immediately arose, laid hands upon him and prayed that the Lord would have mercy on His servant and rebuke the devil. While thus engaged, I was struck with great force by some in-

visible power and fell senseless on the floor as if I had been shot; and the first thing that I recollected was, that I was supported by Brothers Hyde and Russell, who were beseeching a throne of grace in my behalf. They then laid me on the bed, but my agony was so great that I could not endure, and I was obliged to get out, and fell on my knees and began to pray. I then sat on the bed and could distinctly see the evil spirits, who foamed and gnashed their teeth upon us. We gazed upon them about an hour and half, and I shall never forget the horror and malignity depicted on the countenances of those foul spirits, and any attempt to paint the scene which then presented itself, or portray the malice and enmity depicted in their countenances would be vain.

I perspired exceedingly, and my clothes were as wet as if I had been taken out of the river. I felt exquisite pain, and was in the greatest distress for some time. However, I learned by it the power of the adversary, his enmity against the servants of God and got some understanding of the invisible world.

The Lord delivered us from the wrath of our spiritual enemies and blessed us exceedingly that day, and I had the pleasure (notwithstanding my weakness of body from the shock I had experienced) of baptizing nine individuals and hailing them brethren in the kingdom of God

A circumstance took place while at the water side which I cannot refrain from mentioning, which will show the eagerness and anxiety of some in that land to obey the gospel. Two of the candidates who were changing their clothes and preparing for baptism at the distance of several rods from the place where I was standing in the water, were so anxious to obey the gospel, that they ran with all their might to the water, each wishing to be baptized first. The younger—George D. Watt—being quicker on foot than the elder, out-ran him, and came first into the water. The circumstance reminded me of Peter and another disciple, who went to see the sepulchre where the Savior was laid: their anxiety was so great to find out whether He was yet there or not that they had a race for it. The ceremony of baptizing being somewhat novel, a large concourse of people assembled on the banks of the river to witness the ceremony. In the afternoon Elder Russell preached in the market place, standing on a pedestal, to a very large congregation, numbers of whom were pricked to the heart

Thus the work of the Lord commenced in that land (notwithstanding the rage of the adversary and his attempt to destroy us)—a work which shall roll forth, not only in that land but upon all the face of the earth, even "in lands and isles unknown."

The next morning we held a council, at which Elders Goodson and Richards were appointed to go to the city of Bedford, there being a good prospect, from the information received, of a church being built up in that city. Elders Russell and Snider were appointed to go to Alston, in Cumberland, near the borders of Scotland, and Elders Hyde, Fielding and the writer were to remain in Preston and the regions round about.

The next day, the brethren took their departure for the different fields of labor assigned them.

As an illustration of his wonderful mission we give the following page from his autobiography:

"There being something interesting in the establishing of the gospel in Downham and Chatburn, I will relate the circumstances of my visit to those places, and the prospect we had of success prior to our proclaiming the truth to them.

"Having been preaching in the neighborhood of these villages, I felt it my duty to pay them a visit and tell them my mission. I mentioned my desires to several of the brethren, but they endeavored to dissuade me from going, informing me that there could be no prospect of success, as several ministers of different denominations had endeavored to raise churches in these places, and had frequently preached to them, but to no effect. They had resisted all the efforts and withstood the attempts of all sects and parties for thirty years, and the preachers had given them up to the hardness of their hearts. I was also informed that they were very wicked places and the inhabitants were hardened against the gospel.

"However, this did not discourage me in the least, believing that the gospel of Jesus Christ could reach the heart when the gospels of men were found abortive. I consequently told those who tried to dissuade me from going that these were the places I wanted to go to, and that it was my business 'not to call the righteous, but sinners to repentance.'

"Accordingly I went in the name of the Lord Jesus Christ, and I soon procured a large barn to preach in, which was crowded to excess. Having taking my stand in the middle of the congregation so that all might be able to hear, I commenced my discourse, spoke with great simplicity on the subject of the gospel of our Lord and Savior Jesus Christ, the conditions of pardon for a fallen world, and the privileges and blessings of all those who embraced the truth. I likewise said a little on the subject of the resurrection.

"My remarks were accompanied by the spirit of the Lord and were received with joy, and those people who were represented as being so hard and obdurate, were melted with tenderness and love, and such a feeling was produced as I never saw before; and the effect seemed to be general.

"I then told them that, being a servant of the Lord Jesus Christ, I stood ready at all times to administer the ordinances of the gospel. After I had concluded I felt some one pulling at my coat. I turned around and asked the person what it was he desired. The answer was, 'Please sir, will you baptize me?' 'and me!' 'and me!' exclaimed more than a dozen voices.

"We accordingly went down into the water, and before I left, I baptized twenty-five for the remission of sins—and was thus engaged until four o'clock the next morning.

"Another evening the congregation was so numerous that I had to preach in the open air, and took my stand on a stone wall, and afterwards baptized a number.

"These towns seemed to be affected from one end to the other; parents called their children together, spoke to them of the subjects upon which I had preached, and warned them against swearing and all other evil practices, and instructed them in their duty, etc. Such a scene I presume was never witnessed in this place before; the hearts of the people appeared to be broken, and the next morning they were all in tears, thinking they should see my face no more. When I left them my feelings were such as I cannot describe. As I walked down the street, followed by numbers, the doors were crowded by the inmates of the houses, waiting to bid us a last farewell, who could only give vent to their grief in sobs and broken accents.

"While contemplating this scene we were induced to take off our hats, for we felt as if the place was holy ground. The Spirit of the Lord rested down upon us, and I was constrained to bless that whole region of country.

"I cannot refrain from relating a circumstance which took place, while Brother Fielding and I were passing through the village of Chatburn; having been observed drawing nigh to the town, the news ran from house to house, and immediately on our arrrival, the noise of their looms was hushed, the people flocked to the doors to welcome us, and see us pass. The youth of the place ran to meet us, and took hold of our mantles and then of each other's hands. Several, having hold of hands, went before us, singing the songs of Zion, while their parents gazed upon the scene with delight, poured out their blessings upon our heads, and praised the God of heaven for sending us to unfold the principles of truth and the plan of salvation to them.

"Such a scene, and such gratitude, I never witnessed before. 'Surely,' my heart exclaimed, 'out of the mouths of babes and sucklings, thou has perfected praise!'

"What could have been more pleasing and delightful than such a manifestation of gratitude to Almighty God from those whose hearts were deemed too hard to be penetrated by the gospel, and who had been considered the most wicked and hardened people in that region of country!

"In comparison with the joy I then experienced, the grandeur, pomp and glory of the kingdoms of this world shrank into insignificance and appeared as dross, and all the honor of man, aside from the gospel, to be vain."

In 1840 he took a second mission to England with President Brigham Young, and the majority of his quorum, nine in number, when was performed one of the greatest missionary works since the days of Christ's disciples.

After his return from the British Mission, Heber labored in his apostolic calling chiefly, being but little with his family. At the time of the martyrdom of Joseph and Hyrum Smith, he was out, with nearly every member of his quorum, on a mission to the Eastern States. He was the right hand man of Brigham Young in the exodus, and was one of the 143 pioneers. He returned with his chief to Winter Quarters to gather up the body of the Saints, and while there was chosen first counselor of Brigham in the re-organization of the first presidency of the Church. To the end of his eventful life he continued the faithful counselor and friend of his chief, between whom and himself there had existed for forty-three years, one of those remarkable friendships which authors love to immortalize. The friendship of Damon and Pythias was not of a stranger type than that of Brigham Young and Heber C. Kimball, and Heber was as jealous of the love of Brigham as a woman is of the love of her husband. Heber was a very singular, very genuine, and an extraordinarily earnest man, with a character of so much strength and rugged honesty as to make him one of the most noticeable men in the world. Though born among the humble, it was both physically and metaphysically impossible for him to make other than a strong mark in the world. His personal appearance was powerful and uncommon; his structure as of iron; and no one could well forget the man who had seen him once. He was just such a character as one would imagine as a bosom

friend of Oliver Cromwell. Heber C. Kimball, after Joseph Smith and Brigham Young, was decidedly the greatest *character* the Mormon Church has brought forth. They are indeed the Mormon trinity. He died on the 22d of June, 1868.

The universal esteem in which he was held may be inferred from the following notice of his funeral, by the *Daily Telegraph*, in its issue of the day succeeding that event:

"Yesterday the last sad offices of affection and friendship were rendered to the mortal remains of our beloved President, Heber Chase Kimball.

"Throughout the city, stores and business houses were closed and ordinary business was suspended, out of respect to the memory of the deceased. Draped flags swung to the breeze on the tops of public buildings, stores and private residences. The streets were exceedingly quiet, the few people passing being apparently imbued with the solemnity of the occasion.

"The day also was in perfect harmony. The oppressive sultriness of the few preceding days gave way to a cooler atmosphere. Black clouds draped the skies, heaven's artillery roared, the wind moaned and swept along in fitful gusts, and as the appointed hour for the obsequies drew nigh, the rain, like tear drops from heaven, fell heavily, mingling with the tears of the mourners, and continuing almost without intervals of cessation during the ceremonies, although relieved toward evening by brief snatches of sunshine, to show the silver lining to a cloudy day, and to indicate the smiling Providence that rules and overrules all things for good. * * * *

"While the masses congregated in the Tabernacle, Presidents Brigham Young and Daniel H. Wells, the Twelve Apostles, the First Presidents of the Seventies, the Presidents of the High Priests' quorum, the Presiding Bishop and his counselors, the President of this Stake of Zion, the High Council and Captain Croxall's band, with the pall-bearers and relatives, repaired to the late residence of President Kimball. Here was beheld the Chieftain of Zion, with whom the illustrious departed, for a full third of a century and more, had stood shoulder to shoulder when men's souls were tried, with more than fraternal interest personally overseeing even the minutest item of arrangement in those last solemn offices. * * *

"To the 'Dead March in Saul,' by Croxall's band, the procession moved from the residence down North Temple Street,, turned south on West Temple Street, passed through the west gate of Temple Block, entered the Tabernacle at door No. 32, north side, and occupied the seats reserved for the purpose in front of the stand, the band still playing as the procession entered. When the band ceased, the powerful tones of the organ swelled forth in a selection from Beethoven.

"The remains were deposited upon a draped bier, raised from the middle aisle, so as to be plainly observable by all the vast audience. Seven elegant vases of roses and other beautiful flowers were placed upon the coffin.

"In consonance with the solemnity of the scene, the interior of the Tabernacle was also draped in mourning. * * *

"The vast assemblege was called to order by President Young, and the choir sang a hymn composed by Miss E. R. Snow, after which Apostle Cannon offered up a prayer, and the choir sang 'Farewell all earthly honors.'

The assembly was then addressed by Elders John Taylor, Geo. A. Smith, Geo. Q. Cannon, Presidents Daniel H. Wells, and Brigham Young, who said: "Brother Kimball was a man of as much integrity, I presume, as any man who ever lived on the earth. I have been personally acquainted with him forty-three years, and I can testify that he has been a man of truth, a man of benevolence, a man that was to be trusted."

At the close of President Young's remarks, the choir sang "O my father, thou that dwellest," after which the procession reformed in its previous order, the band playing the Belgian dead march, and the remains of the deceased were escorted to a spot in his private burying ground, previously selected by himself, where they were laid by the side of Vilate, the partner and companion of his youth.

He was mourned by the whole Church, and principal men from all parts of the Territory honored by their presence the memory of the dead.

# JOHN TAYLOR.

President John Taylor was born in Winthrop, Westmoreland County, England, November 1st, 1808. He received a common school education, and remained in his native country until about the year 1832, when he rejoined his father's family in Canada, to which province they had emigrated two years previously. Before leaving England he joined the Methodist Church, and was made a local preacher in that body. Shortly after arriving in Canada, he made the acquaintance of, and married, Miss Leonora Cannon, who had left England for Canada as a companion to the wife of the Secretary of the Colony, but with the intention of returning. She was a God-fearing woman, a daughter of Captain Cannon of the Isle of Man, and sister of the father of George Q. Cannon. They settled in the city of Toronto and there they first heard the preaching of the Gospel of the Latter-day Church under the inspired ministry of Parley P. Pratt.

At this point,—illustrative of his history and character,—it is worthy of note that John Taylor had already made a distinguishing mark in the Methodist Church of Toronto as a religious reformer. He and another of the local ministers having boldly preached some apostolic doctrines very consonant with his subsequent Mormon faith, but which were deemed innovative and heretical by the regular Methodist ministry, John Taylor and his compeer were brought to trial before a ministerial body; but they refused to recant their Gospel truths. This incident throws considerable light upon the transformation of President Taylor from a Methodist local minister to a Mormon Apostle. Parley P. Pratt in his autobiography speaks of a little congregation of Gospel truth-seekers in Toronto, among whom he found Mr. Taylor and his wife; and Mr. Taylor is brought into the Mormon Apostle's narrative as one of the ministerial leaders of this little congregation of Methodist reformers.

Soon after his entrance into the Mormon Church, John Taylor was called to the apostleship. Several of the Twelve had apostatized, and David Patten, one of the stanchest members of that quorum had fallen in battle against the anti-Mormon mob: this David is styled the first martyr of the Church. In a revelation given July 8th, 1836, is found the following passage:

"Let my servant John Taylor, and also my servant John E. Page and also my servant Wilford Woodruff, and also my servant Willard Richards, be appointed to fill the place of those who have fallen, and be officially notified of their appointment."

John Taylor was duly notified of his call to the quorum of the Twelve, which brought him over from Canada into Missouri. On the 19th of December, 1838, the High Council of Zion met in Far West, on which occasion John Taylor and John E. Page were installed in the apostleship. Subsequently, Wilford Woodruff and George A. Smith were ordained to the quorum of the Twelve; and, in 1840, when nine of that quorum were on missions to England, Willard Richards was ordained, he having gone to England with Heber C. Kimball and Orson Hyde in 1837.

John Taylor was now a pillar of the Church, and he took his position as one born to it. His whole career since has fully justified his call. Never has he shown weakness of purpose, nor has he stumbled in the faith. Being naturally of a self-reliant and independent character, with much natural courage, he has sustained his quorum and the whole community in the most trying circumstances. Next to Brigham Young, he is, perhaps, not only the most astute, but the most self-sustained man that ever came into the Mormon Church. He has never been in any place or circumstances that he has not shown the power to fall back upon himself, and take the whole weight of responsibility of acting when it properly rested with him. This is the true test of the leader, and it undoubtedly at length made him President of the Mormon Church; for after all, it is the law of fitness which brings man around to his destiny; and it is this same trait of character which will make John Taylor equal to the needs of the present hour as the leader of the Mormon people.

After the removal of the Latter-day Saints from Missouri to Illinois, the Twelve were called on a mission to Great Britain. Apostles Taylor and Wilford Woodruff started together from Nauvoo in the fall of 1839. They were both sick with fever and ague, and Elder Taylor came near to death on the way, the companions having to separate in consequence thereof; but they met again at New

York, and together embarked for Liverpool. The following interesting sketch of his mission he wrote for the *Millennial Star* before his return to America:

"We arrived in Liverpool, after a pleasant voyage, on the 11th of January, 1840, from which place we proceeded to Preston, where we met with many Saints, who rejoiced to see us—rejoicing before God that we had been thus far enabled to brave the storms and opposition, and that we had arrived in safety at the place of our destination.

"After resting a few days, and visiting with our brethren, we held a council, at which I was appointed to go to Liverpool, and Elders Woodruff and Turley to go into the Potteries, and from thence as their way might open. Elder Fielding accompanied me to Liverpool, and we commenced our labors in this place. We visited a chapel belonging to Mr. Aiken the first Sunday, and also a body of Baptists that met in the Music Hall, Bold Street. After a young man in the Hope Street Chapel had done preaching, having advanced many correct principles in his sermon, I arose after the meeting was concluded and stated that I was much interested in many things that I had heard, that I was a stranger, and should be pleased to make a few remarks, with their permission. I was immediately asked by one what society I belonged to, and another said that they would hear me in the vestry after the congregation was dismissed. Accordingly we repaired to the vestry, where I met with about twenty leaders and teachers, to whom I delivered my testimony, and while I was unfolding what God had done, and the message I had come on, some wept, and others exclaimed 'glory be to God;' others of them were hardened, and raged against us, stating that they had heard a very bad report of us from their pastor, Mr. Matthews.

"We took a room the next Sunday, and while I preached to the people and told them of the things that God had done, I asked them if it was not good news? They answered yes. Elder Fielding bore testimony to what I had said. Many came to me after the meeting and shook me by the hand, and many wept and rejoiced; ten gave me their names to be baptized. We visited many of the leading ministers in Liverpool. I delivered our testimony to them, but we found them generally so bigoted and wrapped up in sectarianism that there was very little room for the truth in their hearts; the work, however, continued to roll on till the present. Prejudice is fast giving way, and upwards of two hundred Saints are now rejoicing in the truth; while those people that I visited and delivered my testimony among, (many of whose preachers rejected and wickedly opposed it,) although there was at that time, as I have been informed, upwards of 1,200 members, they are all scattered, and not one left, and their chapel is turned into a church of England.

"I also visited Ireland on the 27th of July, 1840, in company with Elder M'Guffie, one that had been ordained in Liverpool, and a priest from Manchester by the name of Blake. We landed at Warren Point, and went from thence to Newry, where I preached in the Session House, it being the first time that ever this Gospel was declared in that land. From thence I went to a part of the country called the Four Towns of Bellinacrat, and preached, and baptized a farmer by the name of Taite, who was the first baptized in Ireland. From thence I proceeded to Lisburn, where I preached several times in the market place. From thence to Belfast, when I had an opportunity of preaching if I had time to stay, but as I had engagements in Scotland, I was prevented. Elder Curtis has since been laboring there, and there is now about thirty members in the Church. From thence I went to the City of Glasgow, in Scotland, where I preached, and also in Paisley, and then returned to Liverpool. Soon after I started to the Isle of Man, when I delivered my testimony for the first time in that island. I met with much opposition. I held a debate with one minister, published three pamphlets in reply to another, and replied in the papers to certain falsehoods and misrepresentations made in them, and answered another minister who lectured against me. I had much opposition, but the truth has come off triumphant, and there is now in that place about one hundred members, two elders, four priests and two teachers; and the work of God is rolling on. I feel to rejoice before God that He has blessed my humble endeavors to promote His cause and Kingdom, and for all the blessings that I have received from this island; for although I have traveled 5,000 miles without purse or scrip, besides traveling so far in this country on railroads, coaches, steamboats, wagons, on horseback, and almost every way, and have been amongst strangers in strange lands, I have never for once been at a loss for either money or friends, or a home from that day until now; neither have I ever asked any one for a farthing. Thus I have proved the Lord and found Him according to His word. And now, as I am going away, I bear testimony that this work is of God—that he has spoken from the heavens—that Joseph Smith is a prophet of the Lord—that the Book of Mormon is true; and I know that this work will roll on until 'the kingdoms of this world will become the Kingdoms of our God and His Christ.' Even so, Amen."

After his return to Nauvoo, Apostle Taylor was editor of the *Times and Seasons*, a chief man in the city council, and a right-hand man to the Prophet, scarcely less than Brigham Young himself. But the great circumstance of that day, which has left him so strongly marked in the history of the Church, was the scene of the martyrdom, for he was in prison with the Prophet and his brother, and was himself wounded. It is not necessary to give the full chapter of those times, but the narrative of the tragedy itself, though often republished, is an historical link which could not well be left out of the sketch of President Taylor's life.

The following is extracted from President John Taylor's own minutes:

"June 26th. 9:57 A. M. The Governor, in company with Colonel Geddes arrived at the jail, when a lengthy conversation was entered into in relation to the existing difficulties.

"The Governor left [at 10:30 A. M.] after saying that the prisoners were under his protection, and again pledging himself that they should be protected from violence, and telling them that if the troops marched the next morning to Nauvoo, as he then expected, they should probably be taken along in order to insure their personal safety. * * * * *

"While Joseph was writing at the jailor's desk, William Wall stepped up, wanting to deliver a verbal message to him from his uncle John Smith. He turned around to speak to Wall but the guard refused to allow them any communication. * *

"Joseph remarked, 'I have had a good deal of anxiety about my safety since I left Nauvoo, which I never had before when I was under arrest. I could not help those feelings, and they have depressed me. * *

"The Prophet, Patriarch and their friends took turns preaching to the guards, several of whom were relieved before their time was out because they admitted they were convinced of the innocence of the prisoners. They frequently admitted that they had been imposed upon, and more than once it was heard, 'Let us go home, boys, for I will not fight any longer against these men.'

"During the day Hyrum encouraged Joseph to think that the Lord, for His Church's sake, would release him from prison. Joseph replied, 'Could my brother Hyrum but be liberated, it would not matter so much about me.' * *

"2:30. Constable Bettisworth came with Alexander Simpson and wanted to come in with an order to the jailor demanding the prisoners, but as Mr. Stigall the jailor, could find no law authorizing a justice of the peace to demand prisoners committed to his charge, he refused to give them up until discharged from his custody by due course of law. * *

"20 minutes to 4. Upon the refusal of the jailor to give up the prisoners, the constable, with the company of Carthage Greys, under the command of Frank Worrell, marched to the jail and by intimidation and threats compelled the jailor, against his will and conviction of duty, to deliver Joseph and Hyrum to the constable, who forthwith and contrary to their wishes, compulsorily took them.

"Joseph, seeing the mob gathering and assuming a threatening aspect, concluded it best to go with them, and putting on his hat, walked boldly into the midst of a hollow square of the Carthage Greys, yet evidently expecting to be massacred in the streets before arriving at the court house, politely locked arms with the worst mobacrat he could see, and Hyrum locked arms with Joseph, followed by Dr. Richards, and escorted by a guard. Elders Taylor, Jones, Markham and Fullmer followed outside the hollow square, and accompanied them to the court room. * *

"On motion of counsel for the prisoners, examination was postponed till to-morrow, at 12 o'clock, noon, and subpœnas were granted to get witnesses from Nauvoo, twenty miles distant, whereupon the prisoners were remanded to prison. * * *

"5:30. Returned to jail, and Joseph and Hyrum were thrust into close confinement. * *

"8 P. M. Counselors Woods and Reid called with Elder J. P. Greene, and said that the Governor and military officers had held a council which had been called by the Governor, and they decided that the Governor and all the troops should march to Nauvoo at 8 o'clock to-morrow, except one company of about fifty men, in order to gratify the troops, and return next day, the company of fifty men to be selected by the Governor from those of the troops whose fidelity he could most rely on to guard the prisoners, who should be left in Carthage jail, and that their trial be deferred until Saturday, the 29th. * *

"They retired to rest late. * * 5:30 A. M., arose. Joseph requested Daniel Jones to descend and inquire of the guard the cause of the intrusion in the night. Frank Worrell, the officer of the guard, in a very bitter spirit said: 'We have had too much trouble to bring old Joe here to ever let him escape alive, and unless you want to die with him, you had better leave before

sundown; and you are not a d—d bit better than him for taking his part; and you'll see that I can prophesy better than old Joe, for neither he nor his brother, nor anyone who will remain with them, will see the sun set to-day.' * *

"1:30. Governor Ford went to Nauvoo sometime this afternoon, escorted by a portion of his troops, the most friendly to the prisoners, and leaving the known enemies to the Prophet (the Carthage Greys), ostensibly to guard the jail, having previously disbanded the remainder. * *

"3:15 P. M. The guard began to be more severe in their operations, threatening among themselves, and telling what they would do when the excitement was over. * *

"4 P. M. The guard was again changed, only eight men being stationed at the jail, while the main body of the Carthage Greys were in camp about a quarter of a mile distant, on the public square. * *

"4:20 P. M. Jailor Stigall returned to the jail and said that Stephen Markham had been surrounded by a mob, who had driven him out of Carthage, and he had gone to Nauvoo. * *

"Before the jailor came in, his boy brought in some water, and said the guard wanted some wine. Joseph gave Dr. Richards two dollars to give to the guard, but the guard said one was enough, and would take no more.

"The guard immediately sent for a bottle of wine, pipes, and two small papers of tobacco, and one of the guard brought them into the jail soon after the jailor went out. Dr. Richards uncorked the bottle and presented a glass to Joseph, who tasted, as also Brother Taylor and the Doctor, and the bottle was given to the guard, who turned to go out. When at the top of the stairs some one below called him two or three times and he went down.

"Immediately there was a little rustling at the outer door of the jail, and a cry of surrender, and also a discharge of three or four firearms followed instantly. The Doctor glanced an eye by the curtain of the window, and saw about a hundred armed men about the door."

The following statement by Willard Richards, one of the survivors of the tragedy that followed the events last stated, is probably the most trustworthy record of the matter extant. It is entitled "Two Minutes in Jail," and is as follows:

"CARTHAGE, June 27th, 1844.

"A shower of musket balls were thrown up the stairway against the door of the prison in the second story, followed by many rapid footsteps.

"While Generals Joseph and Hyrum Smith, Mr. Taylor and myself, who were in the front chamber, closed the door of our room against the entry at the head of the stairs, and placed ourselves against it, there being no lock on the door, and no catch that was unsealable.

"The door is a common panel, and as soon as we heard the feet at the stairhead a ball was sent through the door, which passed between us, and showed that our enemies were desperadoes, and we must change our position.

"General Joseph Smith, Mr. Taylor and myself sprang back to the front part of the room, and General Hyrum Smith retreated two-thirds across the chamber, directly in front of and facing the door.

"A ball was sent through the door which hit Hyrum on the side of the nose, when he fell backwards, extended at length, without moving his feet.

"From the holes in his vest (the day was warm and no one had their coats on but myself), pantaloons, drawers and shirt, it appeared evident that a ball must have been thrown from without through the window, which entered his back on the right side, and passed through, lodging against his watch, which was in his right vest pocket, completely pulverizing the crystal and face, tearing off the hands and mashing the whole body of the watch. At the same instant the ball from the door entered his nose.

"As he struck the floor he exclaimed emphatically, 'I am a dead man.' Joseph looked toward him and responded, 'Oh dear! Brother Hyrum,' and opened the door two or three inches with his left hand, discharged one barrel of a six-shooter (pistol) at random in the entry, from whence a ball grazed Hyrum's breast, and entering his throat passed into his head, while other muskets were aimed at him and some balls hit him.

"Joseph continued snapping his revolver around the casing of the door into the space as before, three barrels of which missed fire, while Mr. Taylor, with a walking stick, stood by his side and knocked down the bayonets and muskets which were constantly discharging through the doorway, while I stood by him, ready to lend any assistance, with another stick, but could not come with striking distance without going directly before the muzzles of the guns.

"When the revolver failed we had no more firearms, and expected an immediate rush of the mob, and the doorway full of muskets, half-way in the room, and no hope but instant death from within.

"Mr. Taylor rushed into the window, which is some fifteen or twenty feet from the ground. When his body was nearly on a balance, a ball from the door within entered his leg, and a ball from without struck his watch, patent lever, in his vest pocket near the left breast and smashed it into "pi," leaving the hands standing at 5 o'clock, 16 minutes and 26 seconds, the force of which ball threw him back on the floor, and he rolled under the bed, which stood by his side, where he lay motionless, the mob from the door continuing to fire upon him, cutting away a piece of flesh from his left hip as large as a man's hand, and were hindered only by my knocking down their muzzles with a stick, while they continued to reach their guns into the room, probably left-handed, and aimed their discharge so far round as almost to reach us in the corner of the room to where we retreated and dodged, and then I recommenced the attack with my stick.

"Joseph attempted, as the last resort, to leap the same window from which Mr. Taylor fell, when two bullets pierced him from the door, and one entered his breast from without, and he fell outward, exclaiming, 'O, Lord, my God!' As his feet went out of the window my head went in, the balls whistling all around. He fell on his left side, a dead man.

"At this instant, the cry was raised, 'He's leaped the window!' and the mob on the stairs and in the entry ran out.

"I withdrew from the window, thinking it of no use to leap out on a hundred bayonets, then around General Smith's body.

"Not satisfied with this, I again reached my head out of the window and watched some seconds to see if there were any signs of life, regardless of my own, determined to see the end of him I loved. Being fully satisfied that he was dead, with a hundred men near the body, and more coming round the corner of the jail, and expecting a return to our room, I rushed towards the prison door at the head of the stairs, and through the entry from whence the firing had proceeded, to learn if the doors into the prison were open.

"When near the entry, Mr. Taylor cried out, 'take me.' I pressed my way until I found all doors unbarred, and returning instantly, caught Mr. Taylor under my arm and rushed by the stairs into the dungeon, or inner prison, stretched him on the floor and covered him with a bed in such manner as not likely to be perceived, expecting an immediate return of the mob.

"I said to Mr. Taylor, 'This is a hard case to lay you on the floor, but if your wounds are not fatal, I want you to live to tell the story.' I expected to be shot the next moment, and stood before the door awaiting the onset.

WILLARD RICHARDS."

"Upon the tide of grief that swept over Nauvoo, and the consternation that filled the hearts of the mob when the awful deed became known, we will not dwell. Neither will we attempt to depict that scene of woe which occurred when the bodies of the slain were delivered into the hands of their families.

"A whole people had been cruelly, fiendishly betrayed and bereaved. Awful, beyond the power of words to picture was the lament."

Apostle Taylor was with the Saints in the exodus, but the condition of the British Mission rendered it necessary for the Twelve to send three of their quorum to England to set the Church in order. John Taylor, Parley P. Pratt and Orson Hyde were the ones chosen. They returned to Winter Quarters just at the moment the Pioneers were about to start for the Rocky Mountains, so that they were not in the Pioneer band, but Apostles Taylor and P. P. Pratt followed quickly in the first companies. Elder Taylor's next important mission was to France, and while on that mission he published the Book of Mormon in the French and German languages. He was afterwards sent to preside at New York over the churches in the States, and also to ask for the admission of the "State of Deseret." While on this mission he published *The Mormon*, in New York City, which, during its existence, was the most vigorously edited paper that the Church had issued. At the time of the Utah expedition, his bold, manly speeches stirred the heart of the whole community. During such times the native courage of John Taylor has always been most conspicuous. In this respect he has perhaps stood next to the Prophet Joseph himself, who, for lion-like courage was a marvel, even to his enemies For this trait of character in his life, John Taylor has long been styled in the Church, "Champion of the Truth." At no period of his life has he shown himself more sufficient for the times than at the death of Brigham Young. Those outside the Church believed it certain that at the death of this most remarkable man who had led the Mormons for thirty-three years, the Church would experience a terrible convulsion and very likely split into fragments under rival leaders. But

it was soon seen that the man of the times had verily risen in John Taylor; and if any of his compeers ever doubted concerning the "coming man," they quickly discovered who was there leader after Brigham Young. At the burial of him who had been as a Moses to them, while his body was laying before the congregation in state, Apostle Taylor spoke over the dead a becoming eulogy, but plainly told assembled "Israel" that Brigham Young's mission was fully accomplished, and that he was no longer needed for the safety of the Church. The work would continue triumphant as before. It was not the work of man. One greater than Brigham Young was at their head. The King of Zion was their leader. For the first few weeks thereafter it was the talk even among the Gentiles that no revolutionary shock had come to the Mormon Church, but all went on as before. For several years the Twelve ruled the Church as a quorum, and then at the October Conference of 1880, the First Presidency was restored with John Taylor, President of the Church in all the world, and George Q. Cannon and Joseph F. Smith as his counselors.

President Taylor is the third man who has risen to lead the Mormon People; and during his presidency there has come a crisis scarcely less in its historical issues than that of the exodus of the Church from Nauvoo to the Rocky Mountains. The question of the day concerning the Mormon Church is, will it survive, or will it be swept away by the present action of a mighty nation risen, as it were, in arms against it? And this question involves the most vital question of all, which, in fact, gives pertinency to every other—Will the Church give up its institution of patriarchal marriage, commonly known as polygamy? President Taylor, in all the manifestoes and epistles to the Saints bearing his name, has answered with no uncertain voice, "Never! *the Kingdom of God or nothing.*" It is the motto of this apostle's life.

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## GEORGE Q. CANNON.

George Q. Cannon was born in Liverpool, England, on the 11th of January, 1827. His parents joined the Mormons when he was 12 years of age. Previously, however, his father's sister left England, for Canada, as a companion to the wife of the Secretary of the Colony, but with the intention of returning. While in Canada, however, she met Elder John Taylor, then a Methodist minister, whose wife she afterwards became.

At this time Elder Parley P. Pratt was on a mission to Canada, preaching the doctrines of Mormonism, to which Mr. Taylor and wife were soon converted. Mr. Taylor having been chosen one of the Twelve Apostles of the Mormon Church, visited England in 1839, as a Mormon missionary, where he first made the acquaintance of his brother-in-law, Mr. Cannon's father, whom, with his wife and family he succeeded in baptizing into the Mormon Church. Mr. Cannon states that "as soon as my mother saw Mr. Taylor, and before she knew he was a religious man, she said, 'he is a man of God.'"

The headquarters of the Mormon Church was then at Nauvoo, to which place the new converts were very desirous to emigrate, but active operations in that direction were for some time delayed on account of Mrs. Cannon having strong premonitions that she would not reach "Zion." These were supported by certain analogous dreams by Mr. Cannon, all of which were literally fulfilled in the death of Mrs. Cannon while crossing the Atlantic Ocean. The rest of the family reached Nauvoo in safety.

Two months after the massacre of Joseph and Hyrum Smith, Mr. Cannon's father left Nauvoo on a business tour to St. Louis, and, while there, died, leaving seven orphan children.

After reaching Nauvoo, George Q., then but a lad, went to work in the office of the *Nauvoo Neighbor* and *Times and Seasons*, where he learned the printing business.

In 1847 young Cannon crossed the plains with the emigrants, and, during the winter following,

and up to the fall of 1849, he was engaged in house building, farming operations, canyon work, adobe making, and other labor incident to the settlement of a new country.

In the fall of 1849, he accompanied Apostle Charles C. Rich to California, where he worked in the gold mines until the summer of 1850, when he, with five others, was called to go a mission to the Sandwich Islands. They sailed from San Francisco, and after a three weeks' voyage, landed at Honolulu, on the 12th of December of that year. Mr. Cannon acquired the Hawaiian language very rapidly, and, after being there six weeks, he started out to travel among, and preach to, the natives. In a few months he succeeded in organizing branches of the Church in various places.

While there he translated the Book of Mormon into the Hawaiian language, and with the other missionaries made arrangements for the purchase of a press and printing materials necessary for its publication.

He returned to Salt Lake Valley in the winter of 1854. In 1855 he went on a mission to California, and established a printing office and a newspaper, the *Western Standard*, of which he was editor.

The news of what is known as the "Utah War" reached California in in 1857, and Mr. Cannon soon after returned to Salt Lake to take part in the defence.

In April, 1858, the abandonment of Salt Lake commenced, and Mr. Cannon was appointed to take the press and printing materials belonging to the *Deseret News* to Fillmore City, where he published that paper from April to September of that year.

He was then sent on a mission to the Eastern States, which duty he performed until he received an official notification that he had been elected on the 23d of October, 1859, as one of the Twelve Apostles, to act in the place made vacant by the death of Parley P. Pratt. In the fall of 1860 he returned to Salt Lake City, where he remained six weeks, during which time he was called to fill a mission to England. He was appointed to take charge of the emigration in Europe, and of the *Millennial Star* office; and to act as president of the European Mission.

In May, 1862, he received a dispatch to the effect that he had been elected United States Senator by the legislature of the inchoate State of Deseret, and was requested to join Mr. Hooper in Washington early in June, which he did.

Both Senators-elect labored diligently in Washington to get Utah admitted into the Union as a State during the remainder of that session of Congress.

Upon the the adjournment of Congress, Mr. Cannon returned to England, where he labored with marked success until August, 1864, when he returned home, having, while in England, shipped upwards of 13,000 souls, as Latter-day Saints, for Utah.

For three years after his return to Salt Lake he acted as private secretary to President Brigham Young, having been elected in the meantime a member of the Legislative council. In the fall of 1867 he took charge of the *Deseret News*,—then published semi-weekly,—as its editor and publisher. He immediately commenced the publication of the *Deseret Evening News* (daily), and his connection with that paper continued until the Fall of 1872, when he was elected Delegate to Congress, and served his constituency to their entire satisfaction until he was retired by the Edmunds law. [See Congressional history in foregoing chapters.]

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## JOSEPH F. SMITH.

Joseph F. Smith was born November 13th, 1838, at Far West, Caldwell County, Missouri. He is the son of Hyrum Smith, who with his brother, the Prophet Joseph, was assassinated in Carthage jail. He was born at the time of the expulsion of the Mormons from Missouri. The following is a passage from "The Women of Mormondom," relative to Joseph F. Smith's mother and his own birth:

"On the first day of November, 1838, her husband and his brother, the Prophet, with others,

were betrayed by the Mormon Colonel Hinkle into the hands of the armed mob under General Clark, in the execution of Governor Boggs' exterminating order. On the following day Hyrum was marched at the point of the bayonet, to his house, by a strong guard, who with hideous oaths and threats commanded Mary to take her last farewell of her husband, for 'his die was cast, and his doom was sealed,' and she need never think she would see him again; allowing her only a moment, as it were, for that terrible parting, and to provide a change of clothes for the final separation. In the then critical condition of her health this heartrending scene came nigh ending her life; but the natural vigor of her mind sustained her in this terrible trial. Twelve days afterward she gave birth to her first-born a son; but she remained prostrate on a bed of affliction and suffering for several months. In January, 1839, she was taken in a wagon, with her infant, on her sick bed, to Liberty, Clay County, Missouri, where she was granted the privilege of visiting her husband in jail, where he was confined by the mob, without trial or conviction, because, forsooth, he was a 'Mormon.'"

Joseph F. Smith's youth was spent amid the scenes and vicissitudes incident upon the martyrdom of his father and uncle, and in the journeying of the Church from Nauvoo and the early settlement of Utah. He came to the mountains with his widowed mother and brother John, in the migration of the body of the Church from Winter Quarters in 1848. In 1852 his mother died. His youth and early manhood were fraught with struggles, but the Church at an early period saw that Joseph F. would make a strong mark, and for many years now past, the Saints have been prophetic that he is destined some day to be their leader.

In 1854 he went on a mission to the Sandwich Islands, where he labored with very encouraging success. He was at that time but sixteen years af age. "According to promise," he says, "and by the blessings of the Almighty, I acquired the language of the islanders and commenced my labors, preaching, baptizing, etc., among the natives, in one hundred days after my arrival at Honolulu." He returned at the time of Johnston's expedition. In 1860 he went on a mission to England, returning in 1863, and in 1864, again went to the Sandwich Islands, in company with Elders E. T. Benson, Lorenzo Snow, W. W. Cluff and A. L. Smith, remaining about one year. In 1865 he was elected a member of the House of Representatives of the Utah Legislature, and was returned in 1866-7-8-9-'70 and '72. In 1866, he was ordained an Apostle, and in 1867 was called to fill a vacancy in the Quorum of the Twelve. He has served a number of terms in the council of Salt Lake City.

He also served once in the same capacity in the City of Provo, where he resided a portion of the year 1868. During 1874 and a part of 1875 he presided over the British Mission, and had charge of the Church emigration. He went again in the Spring of 1877, and was called home by the death of Brigham Young. During his charge of the European emigration, he was instrumental in breaking the conference combination which had been formed by the great shipping companies of Liverpool. For years the Saints had come to America on the Guion & Co's line. The fare had risen to six guineas per passenger. A Philadelphia company sought the Mormon emigration. Guion & Co. sought to recover it and the shipping combination, being in contention with itself, broke up, and Joseph F. succeeded in making contracts for three seasons for the taking of passengers at three pounds per head, saving to each of the Mormon passengers three pounds, ten shillings.

On the reorganization of the First Presidency of the Church, Joseph F. Smith was chosen one of the presidency.

In 1879 he was elected to the Council of the Legislature, and re-elected in 1881; and in the organization of the next Legislature he was chosen President of the Council. He was retired from the Legislature and city council by the Edmunds law.

Joseph F. Smith holds the hearts of the entire Mormon people. The whole community trust in him. He is a man of strong idiosyncrasies, but he is withal a just and thoroughly honest man. Of his uncle Joseph he testifies, "I am as confident of the divine mission of Joseph Smith as I am of my own existence."

## WILFORD WOODRUFF.

Wilford Woodruff, third son of Aphek Woodruff and Beulah Thompson Woodruff, was born March 1st, 1807, in that part of Farmington now called Avon, Hartford County, Conn. His ancestors for several generations were also residents of that district. Up to his 21st year he remained at home, assisting his father in attending to the Farmington mills.

At a very early age his mind was considerably exercised upon religious subjects, although in a somewhat different view from the orthodox teachings of those days. A notable point of difference was his firm conviction that the gifts and graces that belonged to the ancient apostles ought still to obtain among the the true disciples of Jesus, although the ministers of his acquaintance taught that such things had been done away. This difference in belief caused him to hold aloof from any espousal of particular doctrine until 1833, when he, in company with his brother Azmon (being at that time in Oswego County, New York), chanced to hear two Mormon elders preach. A single sermon convinced both him and his brother, and they thereupon presented themselves for baptism.

Young Woodruff was an enthusiastic convert, and soon gravitated to Kirtland, where he was kindly received by and temporarily domiciled with the Prophet Joseph. Surrounded by influences so congenial to his natural cast of mind, his spiritual nature developed rapidly, and in a few months' time he had reached the point of joyfully accepting an ordination as an elder, and a commission to go on a mission. He had in the meantime removed to Clay County, Missouri.

He straightway, in company with an elder by the name of Brown, started out on a tour in which which was traversed a most desolate and perilous section of country, viz: southern Missouri, northern Arkansas, and western Tennessee. It is worthy of note that this journey (on foot) was made to embrace the traversing of the Mississippi Swamp, a distance of 175 miles, most of the way in mud and water up to their knees. Young Woodruff being stricken with rheumatism in the midst of the swamp, his companion abandoned him. But, kneeling in the water, he cried to God for succor, and was immediately healed. He thereupon continued his journey and in due time returned to his brethren.

His life thereafter was made up almost entirely of mission work. In January, 1837, he was set apart to be a member of the first quorum of Seventies, and remained for a while in Kirtland. Here, on the 13th of April of that year, he was married to Miss Phœbe W. Carter, at the house of Joseph Smith.

Shortly thereafter he went on a mission again, and continued in that work until appointed a member of the quorum of the Twelve. In the following fall, 1839, he started on the mission to England. His ministry in that country was very successful. During the seven months of their labors in Herefordshire, Gloucestershire and Worcestershire, he and his confreres of that mission baptized over eighteen hundred persons, including over two hundred preachers of various denominations; their success so greatly alarming the orthodox ministers of those localities, that it was made the subject of a petition to Parliament.

Returning in 1841, he was shipwrecked on Lake Michigan, but escaped with his life, and reached Nauvoo in October of that year.

It is not the design of this sketch to give more than a general view of this faithful apostle; suffice it to say, therefore, that he was on a mission in the Eastern States at the time of Joseph and Hyrum's martyrdom; that he thereupon returned and prominently participated in the events succeeding that monstrous wrong; that he was a member of the famous mission to England in 1844, remaining there a year, and returning to join the exodus; that he was one of the 143 pioneers; that he again went on a mission to the Eastern States in 1848, returning to Salt Lake in 1850; and in December of that year was elected a member of the Senate of the Provisional State of Deseret.

Since that time Apostle Woodruff has been one the very foremost in all the affairs at home. The Church history is mostly compiled from his journals, and the success of his mission to England is to this day a marvel in the Church. He is emphatically one of the founders of Utah, and as an apostle well deserves the name of "Wilford, the Faithful."

At the present time Wilford Woodruff is President of the Twelve Apostles and the principal historian of the Church, his assistant being Apostle Franklin D. Richards His portrait, in the

body of this HISTORY, which contains many items of interest from his life, will illustrate to the eye of a judge of character, the type of this Apostle. It is a most remarkable likeness of a New England Puritan of the days of the nation's purity and moral might. A century hence, that likeness will preach a sermon to a coming generation of the Mormons, as a grand type of a God-fearing people and of Wilford Woodruff as an honest man and an apostle in character as in name.

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## ORSON PRATT.

We have named Orson Pratt the St. Paul of the Mormon Church. He was also one of the Pioneers of Utah. Of his family descent in America he wrote:

"The genealogy runs thus: Our father, Jared Pratt, was the son of Obadiah, who was the son of Christopher, who was the son of William Pratt, who was the son of Joseph Pratt, who was the son of Lieutenant William and Elizabeth Pratt, who is supposed to have come with his brother, John Pratt, from Essex County, England, about 1633, who were found among the first settlers of Hartford, Connecticut, in the year 1639. They are supposed to have accompanied the Rev. Thomas Hooker and his congregation, about one hundred in number, from Newtown, now called Cambridge, Massachusetts, through a dense wilderness, inhabited only by savages and wild beasts, and became the first founders of the colony at Hartford, Connecticut, in June, 1636, and thence to Saybrook about the year 1645."

Apostle Orson Pratt, was the last surviving member of the first quorum of the Twelve. He was born September 19th, 1811, in Hartford, Washington County, New York, and may justly lay claim to be of semi-apostolic stock,—being descended from the Puritan founders of New England.

The first quorum of the Twelve Apostles, which included Parley P. and Orson Pratt, was organized in 1835, when the Prophet Joseph gave to them the commission to preach the gospel to all the nations of the earth. In 1840, Orson, with nine of that quorum, were in England, and it fell to his lot to open a mission in Scotland. After much labor and great privation he succeeded in building up the Edinburgh Conference. Subsequently he has served several times as president of the European mission.

He and Erastus Snow were the two first Mormons who entered the Valley of the Great Salt Lake.

During Orson Pratt's second mission to England, beginning in 1849, in about two years, there were nearly 18,000 souls brought into the Church under his ministry and presidency, and their conversions were mainly through his own writings, and the impulse which those writings gave to the splendid *corps* of elders under his direction. It was the period when the *great* Mormon preachers flourished—men who almost worshipped Orson, and in whom he delighted, because of their magnificent ability as orators and logicians. Indeed, he may have been said to have been their theological father. Not in all England among any of the denominations were there greater pulpit orators and disputants than several of those elders. The most famous were John Banks and James Marsden. Perhaps England never produced a man of the pulpit who possessed more of the natural genius of oratory than John Banks. We doubt if either Spurgeon or Beecher was his equal in spontaneous gift. Native eloquence flowed from his mouth as a river. Marsden on his part beat the most famous sectarian champions in England in public discussion on Mormonism—beat the very men who became themselves famous in discussion with George Jacob Holyoak, Joseph Barker and Charles Bradlaugh, the great 'Iconoclast' of England. Holyoak and his class greatly admired Orson Pratt and these splendid disputants and logicians whom Orson Pratt created.

During those periods of Orson's presidency over the British Isles, he wrote numerous tracts, and published in all, several millions, scattering them broadcast over the whole British realm. At

Yours Truly
Erastus Snow

that time the organized tract societies of the British Mormon Mission were, we believe, not equalled in all Christendom for their thorough working and missionary results. These, united with the active ministry, comprising (we should estimate) 5,000 elders, constituted the vast missionary machinery by which Orson Pratt brought into the Church, in two years, nearly 18,000 souls.

Orson Pratt was truly a great apostle in every sense of the term. As for his life, no man ever lived a purer one. From his birth he never drank scarcely as much as a glass of ale, nor used a bit of tobacco: his beverage was pure water.

He also possessed real apostolic courage. We may give an anecdote of this: Orson Pratt with Ezra T. Benson, Edward L. Sloan, and John Kay, went on a visit to the Isle of Man. Much excitement was produced by this visit and the preaching of these elders. On the return by steamer to liverpool, the crowd of passengers became quite as a mob arrayed against these Mormon apostles. E. T. Benson escaped below, while this mob on shipboard surrounded Orson Pratt and clamored to cast him into the sea as a Jonah who troubled the ship. They seized him to cast him into the sea. Orson calmly stood in their midst, and placing his hand on the side of the ship, "Sirs," he said, "do with me according to your threatenings. If it be God's will, I am ready." This genuine apostolic courage conquered. The mob was awed; the captain interposed, and there was peace in the ship the remainder of the passage.

Scarcely need we enlarge on his famous discussion on polygamy with Dr. Newman, before ten to fifteen thousand people in the great Tabernacle of Salt Lake City. Daily were those discussions published in the New York *Herald*, and reproduced entire or in part in nearly every paper in America; while almost the universal decision throughout the land was that Orson Pratt was victor.

The Paul of the Mormon Church is verily his fitting name. Orson Pratt will live throughout a dispensation.

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## ERASTUS SNOW.

The Hon. Erastus Snow, who so long and ably represented Southern Utah in the Legislature, was, with Orson Pratt, the first of the Mormon Pioneers who set foot in the Valley of the Great Salt Lake. He is very properly also classed in our history as the founder of Southern Utah —that is of those settlements and counties comprised in what at the outset was styled our Utah "Dixie."

Briefly touching his origin: Erastus Snow was born at St. Johnsbury, Caledonia County, Vermont, November 9th, 1818. His father's name was Levi Snow; and his family were among the early settlers of the Massachusetts colony. His grandmother on his mother's side was of the Mason family.

When the subject of this sketch was fourteen years of age, Mormonism came into his part of the country. His elder brothers, William and Zerubbabel, were the first of the family to embrace it; shortly after Orson Pratt and Lyman E. Johnson, in 1832, visited his father's house. While listening to Orson Pratt conversing on the Scriptures and reading and reciting the revelations given to the Prophet Joseph Smith, he says: "The Holy Ghost descended upon me, bearing witness that it was the truth, and that these men were the messengers of God. This testimony has never departed from me, but has often been renewed and confirmed in the experience of my life."

In the following February, 1833, young Erastus Snow went to Charleston, where he was baptized by his brother William, February 5d, 1833. His mother had seven sons and two daughters. All the family came into the Church excepting two of the sons and his father. His brother Zerubbabel was afterwards, in the early history of Utah, an United States judge of this Territory, and Willard Snow was a famous missionary who died while on his way to his ministry in Scandinavia, and was buried in the sea. Erastus was a preacher at the age of fifteen, being ordained as an elder under the hands of Luke Johnson, one of the first Twelve apostles. We here pass over the interval of his life up to the time of the removal of the Saints to the Rocky Mountains, continuing the narrative from our notes of his own words. He said:

"On the 6th of April, 1847, I took my departure from Winter Quarters with the Pioneers, headed

by President Brigham Young, to search out the location for the Saints. For the details of this journey I must refer the reader to my private journal, or the works already published.

"Many interesting episodes occurred both going and returning, but among the trying and affecting ones was the appearance of the mountain fever among us, first attacking E. T. Benson, at our encampment at the South Pass of the Rocky Mountains on the 21st of June. From one-third to one-half of our entire company were attacked with this malady before we reached the valley of the Great Salt Lake and among the number was President Brigham Young. I, myself, had a severe attack, from which, however, I recovered in about a week. This affliction detained us so, that with the labor on the roads through the Wasatch Mountains we were unable to reach the Salt Lake Valley until the 21st of July, when Orson Pratt and myself, of the working parties, who were exploring, first emerged into the Valley and viewed the site of the future city of Salt Lake; and when we ascended Red Butte, near the mouth of Emigration Canyon, which gave us the first glimpse of the blue waters of the Great Salt Lake, we simultaneously swung our hats and shouted, Hosannah! for the Spirit told us that here the Saints should find rest. After about six weeks' labor here, laying out the City and Fort, plowing and planting fields, and building cabins around the Fort block, I started with the rear camp of the Pioneers on the return trip, early in August, and, on the last day of October, reached Winter Quarters, on the Missouri River, where I had left my family, having been about six weeks without tasting bread. The sweet joy of this meeting was mingled with deep grief, at the loss of a dear little daughter, Mary Minerva, who had died during my absence.

"Soon after our return to Winter Quarters there was a general stir and bustle of getting ready for starting with our families to Salt Lake Valley, and gathering our year's supply of seeds and provisions. Most of my oxen had perished during the winter, or had been eaten up by the Indians, and I was under the necessity of yoking up my cows and all my young stock to work with the few oxen I had left, to haul the wagons for the journey. I traveled in company with Presidents Young and Kimball and had a very pleasant and agreeable journey, my teams holding out well and my family enjoying good health. We reached our destination with much joy.

"In the month of September, soon after our arrival in Salt Lake, I was appointed one of the presidency of the stake; and during the following winter I was called and ordained into the quorum of the Twelve Apostles, together with C. C. Rich, Lorenzo Snow and F. D. Richards, these all filling vacancies caused by the apostacy of Lyman Wight and the organization of the quorum of the First Presidency out of the quorum of the Twelve.

"This year the Perpetual Emigration Fund Company was organized, and the system of emigration inaugurated, which has so largely contributed to the gathering of our people and the building up of Utah Territory. I was appointed one of the committee of three in gathering funds to put into the hands of Bishop Hunter to send back to our poor brethren, left on the Missouri River. At that time our settlements extended only to Provo on the south and Ogden on the north. We gathered about $2,000. About this time also, I participated in the organizing of the Provisional Government of the State of Deseret; and at the semi-annual conference in October, I was appointed on a mission to Denmark, to open the door of the gospel to the Scandinavian people. At the same time Elder John Taylor was appointed to France, Lorenzo Snow to Italy, F. D. Richards to England, with several elders accompanying each of us. We all took our departure from Salt Lake on the 19th of October. Our little party numbered about thirty elders and Mr. Kinkade, of Livingston & Kinkade, merchants, bound for St. Louis for goods.

"Most of the missionaries journeyed together till we reached St. Louis, whence we expected to take different directions through the States to visit the remnants of the Saints, remaining in the States and gathering means for crossing the water.

"I sailed from Boston on the 3d of April, on a Cunard steamer, for Liveipool, where I landed on the 15th; and the following day Lorenzo Snow arrived in a sailing vessel from New York. We visited many of the churches in England, Scotland and Wales. During the next four weeks I received many contributions in aid of our missions. On the 1st of June, 1850, I landed in Copenhagen, the capital of Denmark, in company with G. P. Dikes and John Forsgreen—the former an American and the latter a native of Sweden. We were met at the wharf by P. O. Hansen, a native of that city, who had embraced the gospel in America, and had left Salt Lake with us, but had made his way in advance of us to his native land."

We pass over the detail of Apostle Erastus Snow's ministry among the Scandinavians, sufficing to say that he established that great misson which has done so much to people Utah. He returned to Salt Lake City and afterwards was sent by his quorum to preside over a stake of the Church

which was organized at St Louis, and to superintend the emigration to Utah from the western point. Since that day his great work has been in founding and developing the counties of Southern Utah, over which he has presided spiritually, and which for many years he represented in the Council branch of the Legislature.

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## GEORGE A. SMITH.

George Albert Smith was born in the town of Potsdam, St. Lawrence County, New York, on the 26th day of June, 1817. It may be claimed for him that he was of purely American descent, for his American-born ancestry date back to 1666. On the maternal side he was descended from the Lymans, a family of patriotic revolutionary record; and on the paternal side he was cousin to Joseph Smith the Prophet.

His cousin Joseph's seership was first brought to his attention in 1828, by a letter written to his grandfather by Joseph Smith, sen., in which was recounted several visions that the writer's son had received; and also in which letter was the remark: "I always knew that God was going to raise up some branch of my family to be a great benefit to mankind."

A subsequent letter from Joseph himself, in which he declared that the sword of the Almighty hung over that generation, and could only be averted by repentance and works of righteousness, made a profound impression upon the mind of George A., and elicited from his father the declaration that "Joseph wrote like a prophet." An investigation of the Book of Mormon resulted in the conversion of his parents, and the consequent bigoted opposition of their neighbors. One of these, an influential and wealthy man offered young Smith,—if he would leave his parents and promise never to become a Mormon,—a seven years' education, without expense, and a choice of profession when his education should be complete. His answer was worthy an everlasting record: "The commandment of God requires me to honor my father and mother." He did so honor them as to fully embrace their faith, and was baptized in their presence, September 10th, 1832. Concerning events immediately following, his journal states:

"My father sold his farm in Potsdam, and on the 1st of May, 1833, we started for Kirtland, Ohio, the second gathering place of the Saints, where we arrived on the 25th, having traveled 500 miles. We were heartily welcomed by cousin Joseph. This was the first time I had ever seen him; he conducted us to his father's house.

"I was engaged during the summer and fall in quarrying and hauling rock for the Kirtland temple, attending masons, and performing other duties about its walls. The first two loads of rock taken to the temple ground were hauled from Standard's quarry by Harvey Stanley and myself.

"In consequence of the persecution which raged against Joseph, and the constant threats to do him violence, it was found necessary to keep continued guard, to prevent his being assassinated. During the fall and winter I took part in this service, going two miles and a half to guard."

Although but seventeen years of age, he was a member of the company that went up to "redeem Zion" in Jackson County, Mo. He started with "Zion's Camp," May 5th, 1834, and returned on the 4th of August, of the same year, having traveled about 2,000 miles in three months, mostly on foot.

On the 1st of March, 1835, he was ordained a member of the first quorum of seventies, and on the 5th day of May, following, in company with Lyman Smith, started on a mission through Ohio, Pennsylvania and New York. They returned in November, having traveled 1,850 miles on foot, without purse or scrip, holding numerous meetings, and making several converts.

From this time forward his life was a series of missions, and adventures incident thereto, up to April, 1839, when he was ordained one of the Twelve apostles, on the corner-stone of the temple, at Far West.

He was a member of the quorum of the Twelve who went on a mission to England in 1839-40,

traveling and preaching in the counties of Lancaster, Chester, Stafford, Hereford, Worcester, and Gloucester, and preaching the first Mormon sermon in London.

Soon after his return, in 1841, he was married to Miss Bethsheba W. Bigler, and after a temporary settlement in Zarahemla, Iowa, became a resident of Nauvoo. He was thereafter engaged in mission work in various States until recalled, in 1844, by the martyrdom of the Prophet.

He was with the Twelve in their exodus from Nauvoo, and with the Pioneers in their journey from Winter Quarters to the Rocky Mountains. He planted the first potato that was put into the ground in Salt Lake Valley, and to the day of his death was permanently identified with the various projects for settling and redeeming the valleys of Deseret.

When the Provisional government of the State of Deseret was erected, he was chosen a member of the State Senate, and at that early date presented a bill concerning the construction of a national railroad across the continent.

In speaking of his mission to Jerusalem, which, in company with Lorenzo Snow, Albert Carrington, Feramorz Little, and others, he accomplished in 1873, it will be necessary to explain that one of the most peculiar and characteristic phases of the Mormon religion is the linking of the destiny of this modern Israel, raised up by Joseph Smith, with the destiny of ancient Israel. The Jews of course are the proper representatives of the former, the Mormons of the latter.

As observed elsewhere, the Mormons themselves are supposed to be the literal seed of Abraham "mixed with the Gentiles," but now "in these last days" gathered by the mysterious providence of the House of Isael into the "new and everlasting covenant."

In 1840, Apostle Orson Hyde performed the first mission to Jerusalem, and thirty-two years later this second mission was appointed. Here is the commission:

"SALT LAKE CITY, U. T., October 15, 1872.

"PREST. G. A. SMITH:

"*Dear Bro:*—As you are about to start on an extensive tour through Europe and Asia Minor, where you will doubtless be brought in contact with men of position and influence in society, we desire that you observe closely what openings now exist, or where they may be effected, for the introduction of the gospel into the various countries you shall visit.

"When you go to the land of Pale tine, we wish you to dedicate and consecrate that land to the Lord, that it may be blessed with fruitfulness preparatory to the return of the Jews in fulfillment of prophecy and the accomplishment of the purposes of our Heavenly Father.

"We pray that you may be preserved to travel in peace and safety; that you may be abundantly blessed with words of wisdom and free utterance in all your conversations pertaining to the holy gospel, dispelling prejudice and sowing seeds of righteousness among the people.

"BRIGHAM YOUNG,
"DANIEL H. WELLS."

These missionaries from the modern to the ancient Zion, visiting the President of the United States and President Thiers of France on their way, reached Palestine in March, 1873. They visited the most famous places of Bible mention, and also the places made famous by the exploits of the crusaders. The Jerusalem missionaries returned to Utah in July, 1873.

Upon the death of Heber C. Kimball, the elevation of George A. Smith to the second place in the Mormon Church, thus made vacant, was pronounced by the people of his faith an honor worthily bestowed.

The construction of the temple at St. George furnished the occasion for this apostle to unite with Brigham Young in the administration of ordinances in "high places," thus fitly crowning the labors of his life. On his tablet might thereafter be written, "It is finished."

Shortly after his return from St. George he was prostrated with a sickness which finally resulted in his death, September 1st, 1875. Although, mortally considered, he has passed away, in the hearts of the Mormon people George A. Smith will never die.

## PARLEY P. PRATT.

Parley Parker Pratt was born in Burlington, Otsego County, New York, April 12th, 1807. He was a distinguished member of the first quorum of the Twelve, and, for his marked Hebraic character and tone, was counted the Isaiah of his people. He was one of the first missionaries of the Mormon faith, and some of his earliest writings were pronounced by the Prophet Joseph standard works of the Church. One of the marked circumstances of his life was the bringing of President John Taylor into the Church while on his mission to Canada and between these two distinguished apostles there existed a lifelong friendship. He was on a mission to England with a majority of his quorum in 1840, and was the first editor of the Latter-day Saints *Millennial Star*. He was also left in charge of the British Mission when President Young and the majority of the Twelve returned to Nauvoo. During the period of the exodus while the Saints were at Winter Quarters, Parley P. Pratt, Orson Hyde and John Taylor were selected by their quorum to go speedily to Great Britain to set the churches in order and bring to a sharp account the "Joint Stock Company" which certain presiding elders in that mission had formed professedly for the emigration of the Saints to America, but which resulted in the misuse of the people's funds. Having dissolved the Joint Stock Company, and settled the people's accounts as equitably as the case permitted, and restored the British churches to their wonted stability, these apostles returned to America, expecting to journey to the mountains in the spring of 1847 with the pioneer company, which, however, had just started at the moment of their arrival. Presidents Taylor and Pratt quickly followed with the companies that settled the valleys in 1847, and upon their shoulders principally rested the responsibility of the colony until the return of the First Presidency with the body of the Church from Winter Quarters, in September, 1848. During the winter of 1847, Parley and others explored Utah Lake and Valley, Cedar Valley and Tooele Valley. In March, 1851, he left Great Salt Lake City for the Pacific, on a mission to its islands and coasts, and returned from San Francisco in May, 1853. He took a second mission to the Pacific in May, 1854, and made his headquarters at San Francisco. George Q. Cannon was his principal assistant on these missions, from which he returned to Salt Lake City in August, 1855. In September, 1856, he started on a mission to the Eastern States to labor in unison with Apostle John Taylor, who was at that time presiding over the Eastern churches, and publishing the *Mormon*.

In the fifty-first year of his age, while traveling in Arkansas, he was assassinated. An autobiography of this distinguished apostle, edited by his son, assisted by President John Taylor, has been published, from which may be gathered those matters of interest concerning his life and labors; we have already culled numerous pages in Chapter LXXXVII. on our authors and poets, giving the first niche of fame to Parley P. Pratt.

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## WILLARD RICHARDS.

On the first of December, 1836, Doctor Willard Richards was baptized at Kirtland, under the hands of President Brigham Young, in the presence of Heber C. Kimball and others, who had spent the afternoon in cutting the ice to prepare for the baptism. He was born at Hopkintown, Middlesex County, Mass., June 24, 1804. At the age of ten years he removed with his father's family to Richmond, in the same State, where he witnessed several sectarian revivals and offered himself to the Congregational church in that place, at the age of seventeen, having previously passed through the painful ordeal of conviction and conversion according to that order.

In the summer of 1835, while in the practice of medicine, near Boston, the Book of Mormon, which had been left with a relative at Southborough, accidently fell in his way, which was the first he

had seen or heard of the Latter-day Saints, except the scurrilous reports of the public prints, which amounted to nothing more than that "a boy named Jo Smith, somewhere out West, had found a Gold Bible." He opened the book without regard to place, and totally ignorant of its design or contents, and before reading half a page declared that God or the devil has had a hand in that book, for man never wrote it;" read it twice through in about ten days, and so firm was his conviction of the truth, that he immediately commenced settling his accounts, selling his medicine, and freeing himself from every incumbrance, that he might go to Kirtland, seven hundred miles west, the nearest point he could hear of a Saint, and give the work a thorough investigation; firmly believing that if the doctrine was true, God had some greater work for him to do than peddling pills. In October, 1836, he arrived at Kirtland, where he gave the work an untiring and unceasing investigation, until the day of his baptism.

He was an intimate friend and close companion of Joseph. He was in the same prison, side by side with the two martyred prophets, when they fell under a shower of bullets; and a bare drop of his own blood mingled with theirs on that memorable occasion. The blood of his brethren that flowed copiously around him, and the mangled body of his fellow survivor, Elder John Taylor, and the hideous spectacle of painted and armed murderers, found in Dr. Willard Richards, on that occasion, an embodiment of presence of mind, of quickness of conception, and boldness of execution, that will never be forgotten. During that catastrophe and the emergency into which the church was suddenly thrown, Dr. Richards felt the burthen of giving direction to the affairs of the church in Hancock County, in consequence of the absence of the Twelve Apostles. Though standing in the midst of the murderous mob at Carthage, with the mangled bodies of his martyred friends, and that of Elder Taylor, under his charge, his letters and counsels at that time indicated great self-command and judgment. His ability was happily commensurate with such an occasion.

In the Spring of 1848, he was unanimously elected, by the voice of the whole church, as second councilor to the first President; eleven years previously he was chosen by revelation, through the Prophet Joseph, to be one of the Twelve Apostles, and ordained accordingly, at Preston, England, while on a mission to that country.

In the Spring of 1847, he was enrolled in the memorable band of pioneers, under President Young, that first marked out a highway for the emigrating Saints to the Great Salt Lake. He submitted to the hardships and privations of that rugged enterprise, in common with his associates.

As a civil officer, he served as secretary to the government of the State of Deseret, and did the greatest share of the business of the secretary of the Territory of Utah after its organization, and presided over the council of the Legislative Assembly for about the same period.

He was also postmaster for Salt Lake City up to the day of his death (which occurred on the 11th of March, 1854), an efficient member of the emigrating fund company, general historian of the Church and founder of the *Deseret News*. Much of the action of his life's history, with letters and official documents from his pen, is contained in the body of our book.

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## NEWEL K. WHITNEY.

The first presiding bishop of the Church in Utah was Newel Kimball Whitney, and though he died in the early days of our city, his name is too historical to be omitted in these sketches.

Newel K. Whitney was born February 5th, 1795, in Marlborough, Windham County, Vermont. At the time when the Prophet Joseph Smith established Zion in Kirtland Whitney was a Kirtland merchant, of the firm of Gilbert & Whitney. He and his wife, so familiarly known in Mormon history as "Mother Whitney," belonged to that branch of the Campbellites of which Sidney Rigdon was the local head. Parley P. Pratt and other elders visited Kirtland in the fall of 1830, and converted Rigdon and his church, to which Parley himself had formerly belonged.

Bishop O. F. Whitney has given a very complete sketch of his grandfather's life in the *Contributor*. We cannot follow it in full, but will quote the closing pages for their pertinency to polygamy, which is the supreme Utah subject of to-day. He says:

"We have before spoken of the friendship and intimacy existing between the Prophet and Bishop Whitney. This bond of affection was strengthened and intensified by the giving in marriage to the former of the Bishop's eldest daughter, Sarah, in obedience to a revelation from God. This girl was but seventeen years of age, but she had implicit faith that the doctrine of plural marriage, as revealed to and practiced by the Prophet, was of celestial origin. She was the first woman, in this dispensation, who was given in plural marriage by and with the consent of both parents. Her father himself officiated in the ceremony. The revelation commanding and consecrating this union is in existence, though it has never been published. It bears the date of July 27, 1842, and was given through the Prophet to the writer's grandfather, Newel K. Whitney, whose daughter Sarah, on that day, became the wedded wife of Joseph Smith for time and all eternity.

"The ceremony preceded by nearly a year the written document of the revelation on celestial marriage, which was first committed to paper on July 12, 1843. But the principle itself was made known to Joseph several years earlier. Among the secrets confided by him to Bishop Whitney while they were in Kirtland, was a knowledge of this self-same principle, which he declared would yet have to be received and practiced as a doctrine of the Church; a doctrine so far in advance then of the ideas and traditions of the Saints themselves, to say nothing of the Gentile world, that he was obliged to use the utmost caution lest some of his best and dearest friends should impute to him improper motives. No wonder he should smite himself upon the breast which treasured up his mighty secrets, and exclaim, as we are told he often did: "Would to God, brethren, I could tell you who I am, and what I know!"

"The original manuscript of the revelation on plural marriage, as taken down by William Clayton, the Prophet's scribe, was given by Joseph to Bishop Whitney for safe keeping. He retained possession of it until the Prophet's wife Emma, having persuaded her husband to let her see it, on receiving it from his hands, in a fit of jealous rage threw it into the fire and destroyed it. She triumphed in the wicked thought that she had thus put an end to the doctrine she so feared and hated—as though the parchment upon which it was written, the ink with which it was inscribed was all that made it valid or binding. But she was doubly deceived. She had not even destroyed the words of the revelation. Bishop Whitney, foreseeing the probable fate of the manuscript, had taken the precaution before delivering it up, to have it copied by his clerk, Joseph C. Kingsbury, who is a living witness that he executed the task under the Bishop's personal supervision. It was this same copy of the original that Bishop Whitney surrendered to President Brigham Young at Winter Quarters in 1846-7, and from which "polygamy" was published to the world in the year 1852.

"Passing by the horrible tragedy which deprived the Church of its Prophet and its Patriarch, and the almost incessant storm of persecution which raged until it culminated in the exodus of the Saints from Nauvoo across the frozen Mississippi, in the winter of 1846, we next find the subject of our memoir at Winter Quarters, officiating as presiding bishop and Trustee-in-trust for the Church. To the latter of these offices, he, in conjunction with Bishop George Miller, succeeded at the death of President Joseph Smith. Bishop Miller apostatizing, the office continued with Bishop Whitney until his death. From Winter Quarters in the spring of 1847, two of his sons, Horace K. and Orson K., went west with the Pioneers. He himself remained where his services were most needed, until the year following, when he led a company of Saints across the plains to Salt Lake Valley, arriving on the eighth of October. As his wagons rolled into the settlement, the General Conference of the Church was just closing.

"But one more incident remains untold. It was the morning of Monday, September 23, 1850. An anxious group was gathered about the doorway of an unpretentious abode on City Creek, in what is known as the Eighteenth Ward. There are women and children weeping, and strong men struggling to control their own feelings, while administering consolation to the weaker ones and urging them to calm their fears and hope for the best. Presidents Brigham Young, Heber C. Kimball and others are there, exerting all their faith that God will spare the life of one who lies within stretched upon a bed of pain and suffering. Two days before he had returned home from the Temple Block, where the labors of the bishopric occupied much of his attention, complaining of a severe pain in his left side, of a character different to any he had ever felt before. It was pronounced billious pleurisy. He never recovered, but grew rapidly worse through the remaining thirty-six hours of his mortal existence. Eleven o'clock came, and as the final sands of the hour passed, the immortal spirit of Newel K. Whitney, freed from its coil of clay, soared upward to the regions of the blest.

"From a post mortem tribute in the *Deseret Weekly News* of September 28, 1850, we take the following: 'Thus, in full strength and mature years, has one of the oldest, most exemplary, and useful

members of the Church, fallen suddenly by the cruel agency of the King of Terrors. In him the Church suffers the loss of a wise and able counselor, and a thorough and straightforward business man. It was ever more gratifying to him to pay a debt than to contract one, and when all his debts were paid he was a happy man, though he had nothing left but his own moral and muscular energy. He has gone down to the grave, leaving a spotless name behind him, and thousands to mourn the loss of such a valuable man.'"

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## BISHOP HUNTER.

Edward Hunter, the late presiding bishop of the Mormon Church, was born in Newtown, Delaware County, Pennsylvania, June 22d, 1793. He was the son of Edward and Hannah Hunter, of the same county and State. His great grandfather, John Hunter, was from the north of England and served under William of Orange, as a lieutenant in the cavalry, at the battle of the Boyne.

Edward Hunter, sen., the father of the Bishop, was a man of standing in the State of Pennsylvania, holding the office of justice of the peace in Delaware County for forty years.

On the mother's side was Robert Owen, of North Wales, who, on the restoration of Charles II., refused to take the oath of allegiance, for which he was imprisoned. He subsequently came to America, and purchased property near Philadelphia. His son George was early in life called to the public service, being elected to the Legislature of his native State, and during his lifetime holding many posts of trust, among which was that of sheriff of Chester and Delaware Counties. The Owen family were Quakers, and from them the Mormon Bishop inherited many of his religious and character traits.

He was brought up as a regular farmer, and given a thorough farmer's education. His father was in the habit of causing him to read, as a constant lesson in his education, the Declaration of Independence, which so impressed his imagination that in his ardent enthusiasm he would affirm to his father that it was surely written by the inspiration of God, and his father would reply, with something of prophetic solemnity, "Edward it is too good for a wicked world." Among his father's constant instructions to him were the admonitions that he should sustain the principles of worshipping God according to the dictates of conscience, that men should rise in life by merit only, that he must never fail in business to the putting of himself within the power of wicked men; and, as a comprehensive rule in life, to "be invited up but never ordered down;" all of which he aimed to regard most religiously.

Edward Hunter, sen., was, for many years, a justice of the peace, and in his native State was known as a man of marked character and integrity; and on his death his son, though only twenty-two years of age, was proffered his father's office, but would not accept it on account of his youth. He was also offered the certain election as representative in the Legislature of Pennsylvania on the popular side—the old Federal—but refused, he being a Democrat, which political preference he faithfully maintained till his death.

When about thirty years of age he removed to Chester County, where he purchased over five hundred acres of farming land, about thirty miles from Philadelphia, which he brought under the highest cultivation, and became noted as one of the best graziers in that country. Here, in 1839, he was visited by three Mormon elders, but though they made their home in his house, he did not come into the Mormon Church until the succeeding year. Both himself and his father before him had maintained a conscientious independence of the sectarian churches. Going, however, one evening, a distance from the neighborhood to a place called Locust Grove, to affirm in behalf of a certain Mormon elder the sacred right of liberty of conscience, he made a decided stand in defence of the new faith. The trustee of the school having first challenged the elder for his views on the gospel, and then essaying to crowd him from the stand by his local influence, the honest farmer in-

Wm B Preston

dignantly arose and maintained the elders' right to preach the gospel uninterrupted. As it was known that Hunter employed a good lawyer, and had the best character and most money of any man in the country around, he carried the day for the Mormon preacher. At night, however, sleep was interrupted by the question uppermost in his mind, "Are these men the servants of God?" Addressing the question to heaven, immediately a light appeared in his room, from the overpowering glory of which he hid his face. This was his first testimony to the Mormon work.

Soon after this, the Mormon Prophet,—having visited Washington to invoke President Van Buren's protection of the Mormons who had just been driven out of Missouri,—returned by way of Pennsylvania, and stopped at Mr. Hunter's house. While there his host, who had been for many years interested in Swedenborgianism, asked the Prophet if he was acquainted with that doctrine, and what was his opinion of its founder, to which he replied: "I verily believe Emanuel Swedenborg had a view of the world to come, but for daily food he perished." This visit was in 1839, but Mr. Hunter was not baptized into the Mormon Church until October of the following year, when the ordinances were administered to him by Apostle Orson Hyde, who was then on his way to Jerusalem.

The summer after his baptism he "gathered" to Nauvoo, and purchased a farm of the Prophet. His wealth did much to endow the Church, for he donated thousands to the "Trustee-in-Trust," and for the assistance of the poor. He assisted the Church to the amount of fifteen thousand dollars during the first year.

Bishop Hunter was with his people in their exodus from Nauvoo, and entered the Valley with the first companies after the Pioneers. Soon afterwards, on the death of Newel K. Whitney, he became presiding bishop of the Church.

Bishop Hunter died October 16th, 1883, at the age of over ninety years, beloved and respected by all.

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## WILLIAM B. PRESTON,

The present presiding bishop of the Church was born in Franklin County, Virginia, November 24, 1830. His family branch belongs to that stock of Prestons who have figured with distinction in Congress for Virginia and North Carolina. William Ballard Preston of Virginia and W. C. Preston of North Carolina were cousins of his father. When he was a boy, hearing of the gold fields in California and of the rush of men of all nations to the "Golden State," he was prompted with a great desire to see this wonderful gathering and fusion of many peoples and races. As he grew older his enthusiasm increased with the comprehension of the national importance of this marvelous migration to California; and at the age of 21, in the year 1852, he also migrated to that State, which had already become famous in the growth of our nation. After his arrival, his early enthusiasm still predominating, he took more satisfaction in beholding the people of many nations gathered together in the founding of the new Pacific State than he did in the exciting pursuit of gold hunting; so he turned his attention to the more healthy and legitimate life of a farmer and stock-raiser, settling in Yolo County, California. Father Thatcher's family located also in Yolo and were, his adjoining neighbors.

Father Thatcher was in one of the first companies of the Mormon Pioneers. He was not, however, of the special pioneer band, but was in the company of pioneers under P. P. Pratt. With his family, he went from Utah to California, where he formed the acquaintance of Wm. B. Preston, who subsequently married his daughter, Harriet A. Thatcher.

Having become acquainted with the Mormons, through his association with neighbor Thatcher, Wm. B. Preston was baptized by Henry G. Boyle, in the year 1857. As soon as baptized, he was called to the office of an elder and sent on a mission by George Q. Cannon, who was then presiding over the Pacific Coast mission. He was sent to labor in Upper California. Here he continued in his ministry until President Young called home all the elders and Saints in consequence of the Utah war. This was in the fall of 1857. It being too late to cross the plains that season, they traveled

from Sacramento down the coast, by way of Los Angeles and San Barnardino, into Southern Utah, and thence to Salt Lake, at which place they arrived January 1st, 1858. The company consisted of Wm. B. Preston, John B. Thatcher, A. D. Thatcher, Moses Thatcher, H. G. Boyle, Wm. H. Shearman, F. W. and C. C. Hurst, Marion Shelton, David Cannon, Mrs. Elizabeth H. Cannon (wife of George Q.) and her infant son, John Q. Cannon. There were also several families from Australia and a few families from Upper California. H. G. Boyle, who was one of the Mormon battalion and knew the road, was the leader of this company.

Wm. B. Preston married Miss Harriet A. Thatcher, on the 24th of February, 1858. He was in the Utah exodus and went south as far as Payson.

Early in the Spring of 1858, as soon as they could travel, President Young called a company of 23 of the "boys," among whom was Wm. B. Preston, to go to Platte Bridge and bring on the goods and merchandise which had been cached there. These goods, freighted by the "Y. X. Company," belonged principally to Nicholas Groesbeck. Some of the goods also had been consigned to a mountaineer to be commercially disposed of, and in the settlement with the trader a fair and honorable account was rendered of them.

One of the reasons why President Young called this company was to give assurance to General Johnston and his army, that the Mormons intended to keep the treaty which had been made with the Peace Commissioners, which President Buchanan had sent to conclude the Utah war. But the army and its officers were suspicious, which was itself proof of the wisdom of Brigham's policy in sending out this company thus early after the conclusion of the treaty. This fact, however, was the cause of the expedition running considerable personal risk; but after some narrow escapes from the soldiers at Bridger, the company which was under Captain Groesbeck, with his efficient assistant, Abram Hatch, succeeded in effecting a passage to the Platte; and on their return the advance of Johnston's army had gone in, and they met no further difficulty.

After his return, during the summer of 1858, Wm. B. Preston built himself a house in Payson, making the adobes and shingles with his own hands.

In consequence of the war, the people of Utah were still short of clothing and merchant goods generally, so Wm. B. Preston, with a company of others, went into California in the winter of 1858-9, and he brought in two wagons of goods for Father Thatcher. In this necessary mercantile trip into California, Wm. B. Preston had quite an eventful winter's work in crossing and recrossing the desert. He got back in the spring of 1859.

Finding they had not sufficient land to cultivate of their own in Payson, the Preston and Thatcher families resolved to remove into Cache Valley.

In 1860 61, there was a new apportionment made by the Utah Legislature, by which Cache County was entitled to two representatives and a councilor. At the next election Bishop Preston was elected one of the representatives, Peter Maughan the other, and Ezra T. Benson councilor. The winter of 1862-63 was spent in the Legislature.

In the spring of 1863, President Young called for 500 ox teams to go to the Missouri River to bring the poor across the plains. Cache Valley was called on for fifty of those teams, and Bishop Preston was appointed their captain. This emigrational business filed up the Bishop's labors during the principal part of the remainder of that year. In 1864 Bishop Preston made another emigrational trip to the Missouri River, he being appointed to take charge of the teams from Cache, Box Elder and Weber Counties. In the winters of 1863-4-5 he was in the Legislature.

At the April conference of 1865, Wm. B. Preston's name was among the forty-six missionaries called on missions to Europe. He was appointed by President Young to take charge of this company of missionaries as far as New York. They started from Salt Lake City on the 20th of May to cross the plains in the usual manner, there being as yet no railroad any portion of the way this side of Omaha. On arriving at New York he decided to go into Virginia to visit his father and mother, whom he had not seen for thirteen years, and of whom he had heard nothing during the civil war. He found them, with hundreds of other families, broken up in their property by the devastations of war, scarcely knowing where to get their bread. After making a short but pleasant visit with his relatives, he proceeded on his mission to England.

He arrived in Liverpool Wednesday, August 23d, 1865, and was appointed to preside over the Newcastle and Durham conferences. At a conference held at Birmingham, in January, 1866, he was called to the business department of the Liverpool Office, under the direction of Presidents Brigham Young, jun. and Franklin D. Richards. President Young, by letter, had instructed his son to place the business management of the mission in the hands of Bishop Preston. For three years he labored in the office. In the fulfilment of his duties, he did the correspondence and the general

business of the European mission, including that of the emigration. During his stay in England, in company with Elder Charles W. Penrose, of the *Millennial Star* department, and A. Miner, missionary, he visited the Paris Exposition, in August, 1867.

After being on a three and a half years' mission abroad, he returned home. He left Liverpool July 14th, 1868, and arrived in Salt Lake City in September, bringing with him a company of 650 Saints. As soon as he came home he went out into Echo Canyon to assist in building the U. P. R. R, as one of the contractors under President Young, during that winter. On his return, he resumed his labors as bishop of Logan, and at the next election was again sent by his county to the Legislative Assembly.

In 1872, John W. Young and William B Preston organized the company for the building of the Utah Northern Railroad. John W. Young was president, and Bishop Preston vice-president and assistant superintendent. (See chapter on Railroads.)

In the organization of the Cache Valley Stake by President Young, in May, 1877, (it being the last stake the President organized) Wm. B. Preston was appointed first counsellor to President Moses Thatcher. This position he occupied until Moses was called into the quorum of the Twelve, when he was appointed in his stead. He was ordained President of the Stake under the hands of Apostle John Taylor and others of the Twelve. After the death of Bishop Hunter he was chosen and ordained Presiding Bishop of the Church.

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## FERAMORZ LITTLE.

Feramorz Little, fourth mayor of Salt Lake City, was born in Aurelius, Cayuga Co., New York, June 14th, 1820. On his father's side he is of Irish descent; on his mother's, American, she being the sister of Brigham Young. James Little emigrated from Ireland when he was about sixteen years of age, and settled in Cayuga County, New York State. About the year 1815 he married Susan Young, who bore him four children, namely—Edwin, Eliza, Feramorz, and James A. Little. He was killed in the fall of 1824, by his wagon going over a sand bank as he was coming home in the darkness of the night on a narrow road, the sand bank having caved in since he last saw it.

After the death of her husband, the widow Little, with her children moved to Mendon, Monroe County, where grandfather Young and several of his sons lived. At this time, however, her brother Brigham Young was living in Aurelius, Cayuga County, where for twelve years he followed the occupations of carpenter, joiner, painter and glazier. John Young, Phineas Young and Lorenzo Young followed other branches of trade, working with their hands, while Joseph Young, who was afterwards president of all the quorums of the Seventies of the Mormon church, was a Methodist preacher.

After a time widow Little was married again to William B. Stilson, and in the year 1828, her family moved from Mendon to Springwater Valley, Livingston County. In the spring of 1829, Feramorz, at his own option, went to live with a Mr. Chamberlain, while Mr. Stilson, his mother, and a portion of her children returned to Mendon.

In the spring of 1829 Brigham Young removed from Aurelius to Mendon, where his father resided, and in the spring of 1830 he first saw the Book of Mormon, which was left with his brother Phineas Young by Samuel H. Smith, brother of the Prophet. Thus began the connection with the Mormon church of the Young family, of which Feramorz Little, on his mother's side, is its most prominent living representative.

In January, 1832, in company with Phineas Young and Heber C. Kimball, Brigham visited a branch of the Church at Columbia, Pennsylvania, and returned with his mind deeply impressed with the principles of Mormonism. In this state of mind he went to Canada for his brother Joseph, who was there on a mission preaching the Methodist faith. The brothers returned to Mendon and the Young family, in the spring of 1832, joined the Church of Latter-day Saints, including Feramorz Little's mother and his elder brother Edwin.

In the fall of 1833 Brigham and his father, brothers and sisters gathered to Kirtland to the

body of the Church, but previous to their removal west Mr. Stilson visited his step-son at Springwater to offer him the privilege of going to Kirtland, Ohio, with the rest of the family; whereupon Mrs. Chamberlain harnessed up and drove the boy to Mendon to see his mother. The result of the visit and consultation was that his family gave him the option of going with them or returning with Mrs. Chamberlain, and he chose the latter. Thus was Feramorz Little separated from his family for twelve years, until he himself came west to Illinois in the Spring of 1842. His younger brother, James A. Little was also separated from them, he like Feramorz being left in service to another master in the State of New York; and before James A. joined his family in Utah he had served as a subordinate officer in the regular army under General Taylor in the Mexican war.

Feramorz Little remained in Springwater and its vicinity till the spring of 1842, when, with three companions he started west to seek his fortunes, St. Louis being his objective point. At this time he thought nothing of joining the Mormon Church, although his uncle Brigham was President of the Twelve Apostles; his motive was simply to go west to work out his business career in life. The companions journeyed on foot, seventy miles, to Olian Point, on the Alleghany river; there they bought a skiff and went down the river to Pittsburgh, and from there by steamboat to Cincinnati. At this point the travelers separated, Feramorz and a companion by the name of T. J. Irish continuing the journey together. They stopped at Shoney Town, and next went out twelve miles to the town of Equality, the county seat of Gallatin County, Illinois. There they both tarried and taught school till the fall of 1843, when they struck across the country—then uninhabited—on horseback to St. Louis.

Having reached the city for which he started the year before, Feramorz Little pushed into business with that pluck and energy which has so markedly characterized his life, commencing with his stall at a convenient corner of one of the business streets of St. Louis, where he sold such articles as butter, eggs, etc. His industry, push and economy attracted the attention of a wealthy customer, who owned at that time much of the real estate of the city, numerous stores, and employed many hands. This patron offered the enterprising young man one of his stores and a fair stock of merchandise; so our ex-mayor became a small merchant in the fast-growing city of St. Louis, where, undoubtedly had he remained to this day he would have become one of its principal business men, and perhaps served that city in similar capacities in its municipality as those which he has filled in our own, for Feramorz Little is eminently a self-made man.

In the spring of 1844, his brother, Edwin Little, and Charlie Decker came down from Nauvoo to St. Louis to hunt up Feramorz, whom they found; and in the fall of the same year he went up with them to Navuoo, and met his mother and his uncles whom he had not seen for twelve years. He staid with them a week and then returned to St. Louis. Soon after this his mother, his brother Edwin and wife, Harriet Decker, who was afterwards the wife of Ephraim Hanks, well known in Utah history, and her sister, Fannie M. Decker, came to live at St. Louis, where they remained a year and then returned to Nauvoo; for their people were about to make their exodus to the Rocky Mountains. During this visit of the family to St. Louis, Feramorz Little and Fannie M. Decker became engaged; and in February, 1846, he again went from St. Louis to Nauvoo where he arrived on the 12th, and on the same day he was married by his uncle Brigham, at his house, to Fannie M. Decker. Three days later, Sunday, February 15th, Brigham Young with his family, accompanied by Willard Richards and George A. Smith and their families, crossed the Mississippi from Nauvoo and proceeded to the "camps of Israel," which waited on the west side of the river, a few miles on the way, for the coming of their leader. Feramorz Little crossed on the same boat with his uncle Brigham, and with his wife returned to St. Louis, where they remained until the spring of 1850. It is here worthy of note that Clara Decker, wife of Brigham Young and sister of Feramorz Little's wife, and Harriet Decker, their mother (married to Lorenzo D. Young), were two of the three women who accompanied the pioneers on their famous journey to the valley of the Great Salt Lake.

In the spring of 1850, Mr. Little with his wife left St. Louis for the Pacific slope, designing, however, to pass through Utah on to California there to make his home, after sojourning awhile with his family in the valley. He brought across the plains, for Livingston and Kinkade their second train of goods, which they opened in the Old Constitution building, which the Church had built to rent to that firm. He was induced to remain in Utah but he did not join the Church until 1853. His mother died in Salt Lake City, May 5th, 1852.

His first business ventures in Utah, were in connection with the U. S. mail service across the plains, which he had more or less to do with for several years, to the period of the Buchanan expedition when the post office department set aside its contract with Mr. Kimball, upon which the Y. X. Company was projected.

Feramorz Little was engaged in carrying the mails across the plains nearly from the onset. In 1850, Samuel W. Woodson of Independence, Missouri, contracted with the U. S. Post Office Department, to carry a monthly mail between that place and Salt Lake City for four years, commencing the first of July of that year. This was the first mail service performed between Salt Lake City and any point east of the Rocky Mountains, under the auspices of the Government. Afterwards Mr. Feramorz Little contracted with Mr. Woodson to carry the mail between Salt Lake City and Fort Laramie on the Platte River, for two years and eleven months, the balance of the term of the four years for which Mr. Woodson had contracted Mr. Little was to put on service August 1st, 1851. In this business he associated with him Messrs. Ephraim K. Hanks and Charles F. Decker. The carriers from each end of the line were expected to meet at Laramie on the fifteenth of each month. There was at that time no settlement between Salt Lake City and Laramie, and the only trading post was Fort Bridger, 110 miles east of Salt Lake City. The four hundred miles between Fort Bridger and Laramie was at first run without any station or change of animals, There was afterwards a trading post established at Devil's Gate which afforded the mail carriers further facilities, Messrs. Little and Hanks, as per contract, left Salt Lake City on the first of August with the eastern mail and extra animals with which to stock the road.

We cannot follow in detail Mr. Little's eventful and romantic experience as a contractor and carrier of the mails in those early days amid dangers among the Indians and the storms of winter; suffice it to say that in the mail service he won a name for grit, energy and expedition second to that of none of the mail carriers of those days who ran between the Missouri River and the Pacific Coast. In December, 1856, when the mail contractor Magraw failed to bring in the mails, the postmaster of Great Salt Lake City made a special contract with Mr. Little to take the mail east to the terminal point, Independence, Missouri; and while on this service the Y. X. Company for carrying the mails having been started he was chosen by the company to take charge of their returning mails. It was while on his trip to Washington at this time, relative to the postal service, that the Drummond charges burst upon the country, resulting in the Buchanan expedition; whereupon Mr. Little, having with Mr. Hanks carried the last mail from Salt Lake City to the States, made a statement to the public, through the New York *Herald*, on Utah affairs. [See chapter XVI, on the mail service and the Utah war.]

In 1854-5, Mr. Little superintended the construction of the Big Cottonwood Canyon wagon road, and the erection of five saw mills on the canyon stream. The company that constructed that road were Brigham Young, D. H. Wells, A. O. Smoot, Frederick Kesler, Charles F. Decker and F. Little. The company afterwards divided up, and Little went into the lumber business on his own account, which he finally sold to Armstrong & Bagley. During the period of the building of this road he also built the Territorial penitentiary; and in 1853, he superintended the building of the first passable wagon road in Provo Canyon.

In 1863, he went to Florence as emigration agent for the Church, where he spent the whole summer superintending the outfitting of 500 hundred wagons and 4,000 Latter-day Saint emigrants for Utah. In February, 1864, in connection with Brigham Young, he purchased the Salt Lake City House, himself becoming its proprietor for the succeeding seven years.

In 1868-9, he was engaged in railroad work on the Union Pacific, and afterward became prominently identified with the Utah Central and Utah Southern, of which latter line for a number of years he was superintendent. His name repeatedly occurs in our local railroad history. He was one of the founders and directors of the Deseret National Bank, and is now its vice-president.

The most unique episode of Mr. Little's life was his visit to Jerusalem among the Jerusalem missionaries which started from Salt Lake City in October, 1872.

Of his connection with our municipal government it may be briefly summarized that in 1874 Feramorz Little was elected a councilor; in 1876 the mayor of Salt Lake City. He served the city as its mayor three terms, and, as observed in the body of this history, his administration of municipal affairs was acceptable to all classes of the citizens. Many improvements were made in public works, and the financial business of the municipality was well conducted. He retired from office at the election of 1882.

## JAMES SHARP

Ex-mayor of Salt Lake City was born at Falkirk, Stirlingshire, Scotland. He is the son of Bishop John Sharp, the railroad king of Utah, whose assistant superintendent he is. The family left Scotland and came to America in 1848, stayed in St. Louis till the spring of 1850, when they took up their line of march for Salt Lake City, where they arrived in August of the same year. James Sharp is the second son; his brother John is the elder. They have both been to England on missions. James went in 1867 and came home in the fall of 1869. He labored in Scotland and was president of the Edinburgh Conference. He went again in 1875, labored in the Liverpool office, and, during this mission he traveled over the Continent of Europe. To send a sound-headed young man like James Sharp (who came into these mountains at the age of seven), on a tour through Europe, was equivalent to giving him a revolution of ideas. He says that he discovered that there was *something* outside of Utah, and also something even outside of the United States; and, as to himself he learned the very salutary lesson that he knew nothing in comparison to the knowledge of the great world. Some of our young elders, in whom the love of home is a pardonable weakness, have gone abroad and have returned discovering nothing outside our mountain Zion; but these practical men, who build railroads and travel over them, get their veneration and self-esteem sadly disciplined down to the common time and measure. But they are the better class of men to grapple with our issues of the future.

James Sharp was elected to the Legislature from Salt Lake County in 1878. He has served a number of terms as a member of the House, and in the session of 1884 was elected Speaker.

On his retiring from the office of Mayor of Salt Lake City, the Salt Lake *Herald* said:

"The people of Salt Lake part reluctantly with their late Mayor, Hon James Sharp, who retired from office last evening. When Mr. Sharp accepted the place two years ago the *Herald* predicted a successful administration. We knew the man, and could safely put forth the prediction. The record of the city government for two years has more than verified our words, for Mr. Sharp has proven himself a most capable, energetic and progressive head of the municipality. Being familiar with the city, its needs and capabilities, he knew what could be done for its advancement and good, and was ever in the lead of movements having for their object the best interest of Salt Lake. His thorough business knowledge and training, and his excellent practical ideas of men, measures and things, have proven of incalculable value to the corporation. As illustrating this in one particular, it may be mentioned that notwithstanding the many and costly street improvements that have been made during the year, which include many miles of grading, and though there have been heavy public expenditures in other directions, as for City Creek Canyon, for the increase of the water supply, and so on, water bonds to the amount of $50,000 have been redeemed, and the floating debt of the corporation been reduced fully $50,000. Wise economy as distinguished from parsimony, has been a characteristic of Mayor Sharp's administration. and the result has been that while the city government has been carried on in a manner not at all suggestive ot stinginess, but rather of progressiveness, the corporation has saved money. The Mayor's idea has evidently been that it was better to expend less and get the full value of the money, than to indulge in extravagance and the people not obtain all they paid for. The Mayor's close attention to the details of the corporation's affairs involving the outlay of means, is what has told so well in Mr. Sharp's financial administration.

"It is not the *Herald's* purpose to enumerate the public improvements that have been made during Mayor Sharp's term, nor to tell of what has been accomplished under his successful administration; but there are two things which we think should be mentioned here. One of them is the bringing of water on to the north bench from Dry Canyon, and the consequent practical relief of the distressed people of that section. We have reason to know that a grateful feeling towards Mr. Sharp and the late council is entertained by many of the "Dry Benchers." If nothing more had been accomplished by the retiring city government than securing to the city of the ownership of City Creek Canyon, that alone would have placed the present and future generations under great obligations to Mayor Sharp and associates. The value of the purchase cannot be estimated in dol-

Francis. Armstrong

lars, as it insures to the city for all time and with none to dispute, the absolute control of the corporation's only pure water supply.

"James Sharp was the *Herald's* candidate for Mayor two years ago, and his record has been such that this paper is proud that it advocated his election and stood by his administration. The gentleman may also retire with the perfect assurance that he enjoys the gratitude, the esteem and the confidence of the public he has served so faithfully, and with so much ability, intelligence and integrity. It is ever a pleasant thing to be able to conscientiously approve the course of a public officer when he retires, and in Mr. Sharp's case it is doubly enjoyable."

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## FRANCIS ARMSTRONG.

One of the most prominent of the business men of Salt Lake City is its present Mayor, Francis Armstrong. He is emphatically a self-made man, and his present position as the chief magistrate of our city is a substantial mark of the estimation of the general public of his probity and executive ability.

Francis Armstrong is by birth an Englishman. He was born at Plainmiller, county of Northumberland, England, October 3d, 1839, being the son of William Armstrong and Mary Kirk. For seven generations his family were natives of Northumberland. His father was a machinist, and he worked in the Stevenson & Harthorn machine shop in Newcastle-on-Tyne, building the first locomotives made in England—namely, the Rabbit and Comet.

In the year 1851, the Armstrong family left England for Canada, and settled near Hamilton, Wentworth County, where his father and mother still live. Their family consisted of the parents and twelve children.

Our Mayor left his home in Canada and came to the United States in 1858, and made his way to Richmond, Missouri, where he engaged in a saw mill for a man by the name of Dr. Davis, and continued in the lumber business with him until the spring of 1861, when he started west for Utah. During his residence at Richmond he formed a familiar acquaintance with David Whitmer, one of the witnesses of the Book of Mormon, and from Whitmer and his family, he received their personal testimony of the coming forth of that book and its divine origin.

Mr. Armstrong crossed the Plains in one of the independent companies, under the command of Captain Duncan. There were three teams which started from Richmond for Utah, two ox teams and a mule team. The company consisted of widow Russell from Canada, wife of Isaac Russell, one of the first missionaries to England, with her four daughters and a son, William Wanless and wife, now of Lehi, three young men, Andrew Grey, William Jemmerson, and Francis Armstrong. These journeyed together up to Florence and started from that place immediately after Captain Duncan's train, with which they quickly united and traveled with him across the Plains, and arrived in Salt Lake City about the middle of September, 1861. Not long since the three families which started from Richmond, numbering eleven persons, had a reunion, and found that they number today seventy-eight souls living and ten dead. This example will illustrate what Mormon emigration does in peopling these valleys, and how impossible it would be to root up such a community.

On his arrival in Utah Mr. Armstrong commenced hauling wood from Mill Creek Canyon for a gentleman by the name of Mousley. He next engaged to work in President Young's flouring mill, at the mouth of Parley's Canyon. In the spring of 1862 he commenced in the lumber business for Mr. Feramorz Little in his mill in Big Cottonwood Canyon. He worked for him seven years, at the expiration of which time Armstrong purchased Little's mill, paying him $21,000 for his claim, and started in business for himself in partnership with Mr. Bagley, under the firm name of Armstrong & Bagley. He also entered into partnership with Latimer, Taylor and Romney. This firm was originally started by Thomas Latimer, George H. Taylor, Charles F. Decker and Zenos Evans, in the lumber business and the manufacturing of doors and sash. In 1869, a new partnership was formed, consisting of Latimer, Taylor, Folsom and Romney. The two latter gentle-

men, under the firm name of Folsem & Romney, had been the leading contractors and builders of the city. After a successful business of several years, during which this company built a number of our principal stores and dwellings, Mr. Folsom sold his interest to Mr. Francis Armstrong. The company then purchased the grounds where they now are, put up a large saw mill and continued to run under the name of Latimer, Taylor & Co., until the death of the senior partner, Mr. Latimer, in October, 1881, when the remaining partners purchased the interest of their former partner and changed the firm to Taylor, Romney & Armstrong.

Mr. Armstrong has engaged in numerous lines of trade and business and has become known as one of the most enterprising men of our Territory, as well as being one of the most substantial in his financial rating. In 1872, he purchased the old Kimball flour mill, which he ran for a number of years until the incorporation of the Pioneer Rolling Mill, when he became one of its incorporators. He has taken pride in introducing thorough bred horses and cattle. Mountain Dell Farm is said to be the best stock farm in the country, and he has stocked it with thoroughbreds. Of horses and cattle of this grade he owns 80 head. Several of his race horses are quite famous.

The record of Mr. Armstrong in public affairs is recognized by our citizens with general approval, both for its integrity and capacity. He has served both Salt Lake City and Salt Lake County. In 1878 he was elected a member of the city council, and he was again elected in 1880. In August, 1881 he was elected one of the selectmen of the county court and served a term of three years, and in 1885 he was again elected a selectman. Towards the close of the year 1885, when it became known that Mr. James Sharp was about to retire from office, the public eye looked around for a strong practical man suitable to take the helm of our city government in these troublesome times, and very quickly it was decided that Francis Armstrong was the "coming man," and thus it proved to be at the election in February, 1886. Of the event, the Salt Lake *Herald* said:

"The election of Mr. Armstrong to the office of Mayor of Salt Lake City not only does that gentleman honor, but it is a tribute to that class of our community, of which the People's party is so largely composed, men of brawn and muscle, who have made their own fortunes by the persistent energy with which they have fought obstacles and beaten down barriers to their progress. Frank Armstrong was an obscure boy, raised in the family of Hon. Feramorz Little, and engaged in the mountains lumbering for that gentleman. A few years ago he was a driver of "bull" teams, but his never tiring industry has won for him substantial wealth in pretentious, real estate, flouring and lumbering mills, stock farms, railroad and other stocks and bonds, etc. In the accumulation of his property, he has acquired that practical experience which has qualified him to execute public trusts imposed upon him in the most creditable manner. As a city councilor, and a county selectman his record is among the best ever made in this city and county. From his past record, we may, therefore, confidently expect the future to add to his popularity, and that his administration as chief executive of Salt Lake City will be crowned with that signal success which has thus far followed him through life."

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## ALEXANDER C. PYPER.

With the general approbation of all classes of citizens, in 1874, Alderman Alexander C. Pyper was appointed Judge of the Police Court of Salt Lake City. The appointment of Judge Pyper to this important position was very acceptable to the Gentiles and seceders, for he bore a character of unswerving impartiality. True, he was a Mormon, but, in his own words, the stamp of his administration had been given. He said: "My education and religion have taught me to deal fairly and justly towards all men, ***under the law***, irrespective of their conditions or opinions, and regardless of offenses."

It was also peculiarly satifactory to the "authorities" that Judge Pyper was so acceptable to the general public on the retirement of Judge Clinton, for there was at that moment a fast growing desire among all classes to see the city under a management suitable to the changed times, and espec-

ially to have an unsectarian adminstration of the law. The Third United States Judicial Court had become quite an ecclesiastical inquisition, where the constant questions put by the United States Prosecuting Attorney, and allowed by the Chief Justice, and indeed often put by him, especially in "McKean's reign," were: "Are you a Mormon? Have you been through the Mormon Endowment House? Do you *believe* that polygamy is a divine revelation?" etc. This became so finely drawn between the Chief Justice and the Prosecuting Attorney that it had no practical limit to the person guilty of polygamy, but was extended to those merely guilty of the condition of *faith* in Mormonism. And these questions were also constantly put not only to jurors, but to applicants for United States citizenship. It was this condition of things that rendered Judge Pyper's words just quoted so pertinent; and in all his administration he made good those words.

Judge Pyper was a native of Ayreshire, Scotland. He emigrated to the United States when a boy and subsequently graduated at Jones' Commercial College of St. Louis, Mo.

From 1853 to 1858 he conducted a very successful mercantile business at Council Bluffs, Iowa, and at Florence, Nebraska, being one of the principal founders of the last named place—and assisted in the Church emigration matters at that point, under the direction of H. S. Eldredge, for a period of four years. He moved to Utah in 1859, and in 1860 built a chemical manufacturing laboratory, producing, in large quantities, a number of useful articles, used principally in home manufactures.

In August, 1874, he was elected police justice of the Fifth Precinct of this city, a position which he held to the time of his death. It is in this capacity, probably, that he is most widely known in this vicinity. As a rule the duties of this position are anything but satisfactory, and it is one which is open to much abuse, and one which can be greatly abused. But Judge Pyper combined those rare characteristics which enabled him always to acquit himself with dignity and to maintain his self-respect. So fair and impartial had been been his course, so great a friend had he been to right, and so anxious to be just to all, that, despite the disagreeable character of the office he won for himself in its administration, the respect of every person, and was admired and feared alike by those of his own faith and those whose religious views were diametrically opposed to his own. While many may occupy the position he has left vacant, very, very few can fill it.

For sixteen years he had been a member of the city council of Salt Lake, and in this, as in all other spheres, distinguished himself for his good, sound judgment, his zeal in the public welfare, and his integrity to the trusts reposed in him.

In June, 1877, he was appointed bishop of the Twelfth Ward of this city, and won for himself the affection and love of those over whom he presided. Of late years he took a great deal of interest in the production of silk, and has probably contributed more towards the establishment of the silk industry than any other individual.

His life has been one of unceasing activity, not only in personal pursuits but in the interest of the public. In the latter he has displayed especial assiduity. Possessed of a clear and far-reaching mind, his judgment was necessarily sound, and was highly valued by all who knew him. He was free, fair and liberal, and his mind was so constituted that his perceptions of right and wrong were always clear. He had also a faculty of being on the right side, and of being a fearless and consistent defender of what he believed to be just: hence he made the office of police justice—usually degraded—an office clothed with dignity which commanded respect. He was homely in his manner, good-natured and generous; and in his death an unmistakable loss will be felt which can only be made up with great difficulty.

On the evening of his death the city council met to draft resolutions of respect to the memory of the deceased. Mayor Jennings and the members of the council generally spoke with great feeling. The mayor stated that the object of the meeting was to afford the council an opportunity to express their respect and esteem for their fellow-laborer.

Judge Pyper's position in our municipality is at present occupied by his son, George D. Pyper.

## HENRY W. LAWRENCE

Was born July 18th, 1835, near Toronto, Canada.

When Joseph Smith, the Mormon Prophet, took his mission to Canada, he, with John Taylor, who had joined the Church in the British province, visited Toronto, and among their converts were Edward Lawrence und Margaret his wife, the parents of the subject of this sketch. In 1838 the Lawrences moved to Illinois to join the body of the Saints, but in 1840, the father died at Lima, from which place the family removed to Nauvoo. In 1850 the mother and children crossed the plains to Salt Lake City.

After having served as a clerk for several of the pioneer firms, Mr. Lawrence, in the spring of 1859, went into business with his brother-in-law, John B. Kimball, a Gentile, who was known as a prominent merchant of Salt Lake City before the period of the Utah war. Soon the firm of Kimball & Lawrence became famous both at "home and abroad," for its commercial integrity, solidity and prudence. John Kimball, though a gentile merchant, had always been on the most friendly terms with the Mormon people, to whom he was so nearly related, and was as faithful as any brother in paying his tithing to the Church, and as liberal as a prince in his donations to the poor. Undoubtedly, however, it was Lawrence who gave to the firm its substantial influence with the community, for the strict moral life and uprightness of character of the young merchant, coupled with his excellent commercial ability, established him at once in the public regard and in the confidence of President Young.

The record of Mr. Lawrence in connection with the Godbeite movement has been given in the general history, but this gentleman has since figured considerably in the political action of the Gentile "Liberal party," being in this particular the exception from his compeers. Nevertheless, Henry W. Lawrence stands high in the public mind for his integrity, and is still respected by the Mormon people, who, however, regret his subsequent anti-Mormon course, while they do not so much condemn his record as a Mormon reformer.

But the course of Mr. Lawrence is altogether and pre-eminently acceptable to the Gentile portion of the community. He prides himself in being represented purely as an American citizen rather than by his early connection with the Mormon people. Mr. Lawrence was among the earliest and ablest of our city fathers, and he was also Territorial marshal.

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## WILLIAM S. GODBE.

William S. Godbe, who was a member of our city council cotemporary with Mr. Lawrence, was born in London, England, June 26th, 1833. Endowed with much natural daring and that element of *self-hood* which so eminently characterizes all self-made men, these qualities manifested themselves in his early youth in leading him to choose the adventurous life of a sailor. His constitutional daring and natural love of enterprise, coupled with his organic sympathy for the grand and expansive, owned the charms of the mighty waters; but it was chiefly the desire of travel to see the classical wonders of the great world that induced the boy to go to sea. Thus, early in youth, he read with the passion of a poetic nature of the classic lands, and longed to visit them himself. He had absorbed books on Egypt, Greece, Turkey and Russia and other places of historic interest, and was specially captivated with the question between the Greek and the Turk. He sailed up the Mediterranean, visited Egypt and the Grecian Isles, and was for awhile in Constantinople, Southern Russia and the Danube. He also went to the coast of Africa, to Brazil and Northern Europe. When the ship which bore him neared some famous place, he was full of enthusiasm, and felt repaid for the toils and monotony of the sea if permitted to land and revel in the historic scenes

familiar to the dreams of his youth. He spent some time in France, Germany and Denmark and during his sea life more than once experienced the disaster of shipwreck. But, apart from this ardent desire to see the world, a nautical life was most unsuited to William S Godbe, who is a man of eminent aspirations and rare idealities. He would have soon reached the rank of captain, and, doubtless sailed his own ship, but in manhood's aspiring days, he never could have been satisfied with an unhumanized and unpeopled ocean. It was fortunate, therefore, for the general usefulness of his life, that at an early period his instinct for adventure was corrected and his constitutional ambition directed to broader life purposes. His apprenticeship to the sea not having quite expired, young Godbe had to render service for a limited period to a shipchandler—which his captain had become—at Hull. There his life was one of severe drudgery and stingy fare. From day to day he dragged his truck, laden with ship stores, to the docks; and it was while thus engaged that he was first attracted by the preaching of a Mormon elder. The preacher possessed considerable talent, and his themes were at once bold and new. Young Godbe was immediately captivated, and he commenced a course of Mormon reading with the same avidity that he had before read books on travel. Parley P. Pratt's writings charmed him greatly, as they have charmed tens of thousands of ardent minds. The poetic fire of Parley's pen, dealing with the most glorious themes of prophecy, wrought up this youth's mind to a high pitch of inspiration and enthusiasm. A grand life of prophetic romance opened before him in this wonderful Mormonism, as he pulled his cart through the streets of Hull, lost in glorious dreams. At the Mormon meetings the youth "bore his testimony," ofttimes with such a passionate fervor and inspiration as to astonish strangers present. Mormonism was almost a miracle to them in that lad.

After a time, young Godbe left Hull in a vessel to visit his mother in London. On the passage he got into conversation with a man of intelligence on the subject of religion, to whom he began in glowing phrases to tell the story of the restored gospel in all its former power and purity. "Stop," said his fellow passenger, interrupting him. "Is your name William?" "Yes," was the answer. And then the man told the youth that a short time before, in response to much prayer and fasting, an angel had appeared to him in a vision and said that he would meet a boy by the name of William who would tell him what to do, and that he was to give heed to his words. On their arrival in London, the man was baptized into the Mormon Church. The history of Mormonism in England is full of such incidents.

These episodes are told of the boy's life to illustrate that William S. Godbe in his youth was deeply captivated with Mormonism; for the fact also explains something of the part he has since played in Utah as the leader of a spiritual movement with his compeer, Elder Elias Harrison. Thus viewed, his commercial career expresses the direction of his life rather than his essential character and mission in society.

William S. Godbe soon emigrated to America to join the body of his people in the performance of their wonderful work of founding Utah. Landing in New York from Liverpool with but little means—the earnings of the passage—the stripling boldly set out on foot to walk the entire distance to Salt Lake City. Excepting the journey from Buffalo to Chicago, which was performed on the lakes, he measured every step of the road to the frontiers, from which point he worked his way across the Plains in a merchant train.

After his arrival in Salt Lake City in 1851, he engaged with Thomas S. Williams, a first class merchant, and in a few years, the youth whose energy and uncommon "grit" had made on foot a journey of thousands of miles, had himself grown to be one of the most substantial men in the Mormon community.

In the early days of Utah, an agent to go east and purchase goods for the people was a necessity and W. S. Godbe was the man of their choice, for already his public spirit was recognized and appreciated by the community, even in a commercial career, where a public spirit is truly uncommon. Yearly, he went east on the people's commercial business as well as his own. The day of starting was advertised in season, and then men and women from all parts of the Territory thronged his office with their commissions. Thus, Mr. Godbe purchased hundreds of thousands of dollars worth of goods for the people of Utah, and the arrival of his trains gave periodical sensations to the city, so many being personally interested.

Prior to the completion of the Union Pacific Railroad, Godbe made no less than twenty-four trips across the Plains to the Missouri River, besides several passages to California by the Northern, Central and Southern routes, aggregating a distance of nearly 50,000 miles—performed for the most part on horseback and with his own conveyance. In some instances, only one man would accompany

him, owing to the hostility of the Indians, he deeming it safer to go that way than to attract attention by a large party. He has also crossed the Atlantic seventeen times.

This popular merchant was also the first who brought down prices. When there were any commercial aims to specially benefit the people, Mr. Godbe took the lead in working them out. In the case in question, he purchased a large stock of goods to be sold off immediately at cost and freight, thus bringing down prices to a figure never before known in Utah. The result of this venture benefitted the community more than it did the public-spirited merchant; but benevolence was the policy of his life, not only in his private but also in his commercial character.

Mr. Godbe, having by this time accumulated a substantial fortune, erected the "Godbe Exchange Buildings," which, with Jennings' "Eagle Emporium," first gave an important commercial appearance to Salt Lake City; and the Walker Brothers soon afterwards followed the example in erecting their fine stores and palatial residences.

But William Godbe's crowning mark in our Rocky Mountain civilization was in his becoming the patron of literature. It is true, from first to last, his civilizing mission has cost him a fortune—not less than two hundred thousand dollars—but it is just which will give him an enduring name, not only in Utah, but among America's representative men; for the patrons of literature live for generations classed in the same genus with the architects and founders of civilization.

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## WALKER BROTHERS.

The career of the Walker brothers has constituted no inconsiderable part of the commercial history of Utah. In their sphere they are pre-eminently among her founders; and without their record as a family and a firm, the social and commercial history of our city would be very incomplete; while each of the brothers has a strong individual line of personal subject for biography that distinguishes them to-day apart from the firm name.

The native place of the Walkers is the town of Yeadon, Yorkshire, England. Their father's name was Matthew Walker; their mother's maiden name was Mercy Long. They had six children—four sons and two daughters. Samuel Sharpe Walker, the eldest of the sons, was born September 22d, 1834; Joseph Robinson Walker, born August 29th, 1836; David Frederick Walker, born April 19th, 1838, and Matthew Henry Walker, born January 16th, 1845, all of the town of Yeadon, Yorkshire, England.

The elder Walker had amassed a competency in his extensive business transactions and he retired from business in 1845; but in 1847 he went into railroad speculations under Hudson, the English railroad king of those times, and lost his fortune. It was during his days of adversity that the family became connected with the Mormon people, which was the direct cause of their emigration from their native land.

In the spring of 1850, the mother with her four sons and two daughters embarked at Liverpool in a sailing vessel bound for New Orleans, being nine weeks on the ocean; and thence by steamboat they continued their journey to St. Louis. Mr. Walker himself came to America by way of New York. On his arrival at St. Louis he commenced to purchase merchant goods by auction. In following this line of business he became acquainted with Mr. William Nixon, a gentleman quite famous in the early commercial history of Utah. Mr. Walker sold goods to Mr. Nixon, with whom he placed his son David F. Walker as a clerk in "Nixon's Store," No. 13, Broadway, St. Louis. At this period Mr. John Clark and Mr. Dan Clift had graduated as clerks under Mr. Nixon, but they left for Utah at this date. In St. Louis, J. R. Walker and S. S. Walker obtained positions under Mr. Hill a merchant of that city; thus the three elder of the Walker Brothers commenced their commercial training at St. Louis.

But Mr. Walker, the father, did not survive long in America. He died in St. Louis at the age of thirty-four, and within six weeks after his death his two daughters were carried off by the cholera, which was then raging in that city.

Shortly after this family bereavement, Mrs. Walker with her four sons concluded to go to Utah. They arrived in Salt Lake City, in September, 1852.

Immediately upon their arrival Mr. William Nixon commenced his career as a Utah merchant, and the youth David F. Walker began with him as a clerk; J. R. Walker also soon engaged with Mr. Nixon while the eldest brother, Samuel Sharpe Walker, went into farming life. It was at this period that the foundation of Utah's commerce was laid, William Nixon being decidely one of its founders and the commercial teacher of nearly all our first principal merchants: the Walker Brothers, Henry W. Lawrence, John Clark, John Chislett, Dan Clift, and others.

In 1826, Mr. Nixon was called with other colonists to go to Carson, Nevada, to settle and build up that country. Joseph R. Walker was engaged by Nixon to go through in charge of his merchant train and also to take general charge of his business. After the breaking up of the Nixon store in Salt Lake City and the departure of his brother "Rob," "Fred" went into farming, in which pursuit the elder brother, "Sharpe," was still engaged.

While at Carson Joseph R. Walker frequently went to California to purchase goods for Nixon which he packed over the mountains on mules, there being no other way of transporting goods over the Sierra Nevada Mountains. While at Carson, just below where Carson City is now located, he took a small stock of goods and started a store in Gold Canyon, which lies near the present Comstock Lode at Johnstown, where a few miners were at work taking out placer gold. During the winter of 1856, while he resided there, the two Gouche brothers were at Gold Canyon working a placer claim, and having had some experience in silver mines in Mexico, they prospected the hills around Gold Canyon and brought in some silver ore; no doubt to them belongs the honor of being the real discoverers of the famous Comstock Lode. This was some time before Mr. Comstock arrived in that country.

During the absence of the merchant Nixon and Mr. J. R. Walker, the other brothers went into farming.

When the "Utah War" broke out the Carson colony was called home, and Nixon and J. R. Walker returned to Salt Lake City in the fall of 1857, and Nixon soon resumed business and Mr. D. F. Walker returned to his former employ.

On the establishment of Camp Floyd in the summer of 1858, an opportunity was offered for the enterprise of our Salt Lake merchants, and after awhile Nixon bought one of the suttlerships at Camp Floyd and Mr. "Fred" Walker went to take charge of the store in the soldier's camp, while Mr. "Rob" remained at Salt Lake City. They would, however, occasionally alternate.

Just at that time to plant the store of a civilian merchant, from the Mormon capital in Johnston's camp, with an army enraged by the proclamation of peace and with the idea burning in the minds of both officers and men that they had been betrayed by the Buchanan compromise, required no inconsiderable nerve; but the "Walker Boys" have never been known to be intimidated or subdued.

Soon after the establishment of Camp Floyd the firm of Walker Brothers rose. It occurred thus: A wholesale merchant by the name of P. J. Hickey every winter brought goods by the Southern route across the desert *via* San Barnardino with mule teams, and sold to William Nixon. This year in question—it being the first year after Camp Floyd was settled—the merchant offered to allow the Walkers to select $10,000 or $15,000 worth of goods. The Walker boys at that time possessed only very little capital; but the merchant had entire confidence in their business integrity and was willing to let them have the goods. "Fred" accordingly wrote to "Rob" that if he viewed the offer favorably to come up to the city directly. He came and concluded to pick out a stock of goods suitable to a soldiers' camp. They immediately started to build a store at Camp Floyd and started business. They were very successful the first year. Thus commenced the firm of Walker Brothers.

When Camp Floyd was evacuated, in the spring of 1861, and the Government supplies were sold at an immense sacrifice, the Walker Brothers made another fortunate hit in their purchases. [See Chapter XXVII.] After the departure of the troops the firm removed to Salt Lake City and at the onset opened business in "Daft's old store." They subsequently built the "old Walker store" now occupied by Kahn Brothers, and at a later period the magnificent commercial block known as "Walker Brothers' corner."

Since their start in business their career has been extraordinary, indeed in their lives and successful enterprises has been nascent much of the commercial history and material prosperity of our Territory. [Relative to their engagement and operations in our Utah mines see mining chapter LXXXI.]

It has been the opinion of many of our leading citizens that when Utah becomes a State, Mr. J. R. Walker will almost be certain to be one of its earliest governors. This subject was first started in the Salt Lake *Tribune*, in 1872, by the editors of that day. President Grant in his message had expressed himself in favor of "home rule" in the Territories, so far as the governors and other executive officers were concerned. Many of our sagacious citizens cast their eyes around for the most available man for governor, acceptable to both Mormons and Gentiles, and above all others that choice fell upon Joseph R. Walker. For a while the Salt Lake *Tribune* pursued the preliminary nomination vigorously; Eli B. Kelsey came out in a strong letter, endorsing Mr. Walker's name, and from all part of the Territory similar correspondence came in from old residents—of the Liberal party too—enthusiastically supporting our man for his manifest fitness. The idea of Joseph R. Walker being one of the most likely men, if he lives, destined to rank as one of the first governors of the State of Utah, still dwells in the minds of our citizens. The following sketch from *Tullidge's Quarterly Magazine* (July, 1885), written by an able writer well familiar with the men of whom he speaks may be here very pertinently quoted:

## JOSEPH R. WALKER.

Among the familiar faces of Utah men with which this issue is adorned, none are more thoroughly identified with the interests of our growing Territory than that of Joseph Robinson Walker, of the great mercantile and mining house of Walker Brothers. Accustomed to all the intricacies of modern business matters, with a mind sufficiently comprehensive, and an astuteness equal to every occasion, Mr. Walker has enjoyed the fullest confidence of his three brothers, who have always accorded him the leadership of the firm.

Realizing the importance of the trust confided in him, he has never permitted the interests of the firm to suffer when its protection depended upon untiring attention, skillful manipulation and competent guidance Considering the vast and varied interests of the concern of which this gentleman stands at the head, it is but justice to acknowledge that his achievements are unexcelled by any man among us. Of course he has always been ably assisted by his gifted brothers, and as they are all unlike in many important qualities, one can readily understand that a mind which could assimilate the views and plans of four prominently marked individualisms, and guide them without a jar, must certainly be of a high order. That he has shown himself capable of this, in no sense reflects upon the qualifications of his brother partners. It speaks well for their keenness of insight that they have allowed the utilization of such qualities as those possessed by Mr. Rob, as he is usually designated by those who are not sufficiently familiar to dispense with the prefix.

He is not, as is often supposed, the oldest member of the firm. His brother Samuel S. is the senior. Next comes Joseph Robinson, the subject of our notice. The four brothers have spheres of their own and are by no means merged in the central sun, so as to lose their identity, but all realize the value of the great acumen of their honored brother, and all repose in him the same confidence as they would have done in their talented father, had his life been spared to them.

The mercantile qualifications of these gentlemen are inherited. Each possesses characteristics peculiarly valuable, and indeed necessary to success, but the happy blending of pre-requisites was especially prominent in one and the others rallied to his support with a loyalty and sagacity which does them honor, and has resulted in the accumulation of princely fortunes and a name unquestioned in the commercial marts of the world.

Four brothers working harmoniously and so successfully under the peculiar circumstances attending the growth of this great house, is something rarely seen, and their efforts can only be appreciated when thoroughly understood. Pulling steadily along, no matter what winds or waves were opposing, these gallant sailors on life's stormy sea have shown their skill and pluck to an extent unparallelled in Utah's history.

They are all young men; their ages being approximately as follows: Samuel Sharpe 48, Joseph Robinson 46, David Frederick 44, and Matthew Henry 38. They have been able for some time to draw checks with seven figures, and their commercial standing is such, that if another were added their paper would be honored. Their growth has been steady, and their interests have been and are attached to Utah with hooks of steel. There is nothing ephemeral, nothing flighty or even speculative in their record. Sound business principles have been their helm, and sound business honor, has been their guiding star.

No one has a rightful claim upon them which will not be promptly met and adjusted upon

presentation. No one can show a flaw in the armor of these financial giants, whose four heads are practically one, whose interests are thoroughly identified with this region, and whose success is indicative of the growth of the surrounding country. To have achieved such a position, to have accomplished such results, it is clear that vast executive ability has been utilized. To attempt to explain the cause of such unqualified success by attributing it to fortuitous circumstances, is puerile to a degree, only appreciated by those who, like the writer, are cognizant of the untoward environment.

The determination manifested, the hard labor expended, the privations endured by these men can never be known, unless they choose to detail their experience in these particulars.

The tenacity displayed by many of our self-made men, and the trying circumstances attendant upon their progress through life, have been delineated by histriographers for the instruction of the youthful mind the world over, but in many respects the history of the men of whom we speak, is vastly different from all others.

It is unnecessary to rehearse the many vicissitudes which form a part of the checkered history of the Territory of Utah. It is to be regretted that these vicissitudes have afforded scope for sensation-mongers, who have been, and are, the great stumbling-block in the path of progress; but it is stating the fact to say that the history of the Walker Brothers has been so intimately interwoven with the Territorial existence as to render them a very important factor. Their influence has ever been on the side of progress. Their growth has been the harbinger of success to all. Their exemplary commercial rectitude has given character to Utah enterprises everywhere.

So much of this is due to Joseph R. Walker, so much of his personality has been stamped upon the current result of his consistent adherence to well-tried commercial principles, that he stands in the minds of the people as the very head and front of Utah's representative men, far above the reach or understanding of a few petty demagogues, whose inherent insolence inspires them to attain to honors as inappropriate as they are to them unattainable.

The crises through which our Territory has passed are numerous, and the sound judgment of this gentleman has always maintained its equilibrium, at critical junctures which have turned the heads of many prominent men of our times. His interests have for a long time been very extended, and his views have always been comprehensive and entirely free from that unprincipled radicalism, which has been the curse of this Territory. His mind was always clear. His ideas were always based on practical experience and keen insight into human nature. He never faltered, never failed to stand true to his colors, and never viewed anything from one standpoint alone. He was quite reticent, very thoughtful and observant, ever on the alert to convince himself of the truth of his position, or to undo the falsity he may have accepted.

A close and intelligent contact with the various interests of our Territory, has given him a thorough knowledge of everything pertaining to its material welfare, and has developed his experience to a point of perfection, which always leads to rational and conservative observation. Totally unlike many superficial observers, he has had at all times great faith in humanity, and human capacity to right itself under all circumstances.

He has never seen the necessity of radical measures, and consequently has failed to gain the admiration of a small circle of irresponsibles, whose respect he however, holds against their will. The influence of petty cliques is fortunately growing "smaller by degrees and beautifully less," for which let us rejoice. No man has had greater cause to appreciate the importance of cool demeanor and constant vigilance, as they have served him faithfully in many trying situations, and kept him from extremes which good judgment thus always warned him against. If Mr. Rob. Walker, as the head of the influential firm of Walker Brothers, had but listened to the various schemes proposed by the different cliques which have held ephemerally the destinies of Utah in their hands, and had countenanced any one of the many schemes which the authors thereof would now blush to name, our thriving commonwealth would have been in a far less desirable condition.

Men who, from the standpoint of intellectual strength alone would have been accounted his equal in every respect, have been compelled to differ with him as to what was his duty in this or that crisis, and it would have been as difficult to change their base at that time as it would be now to persuade them to admit that they were the progenitors of schemes long since dead of unfitness. What was it, then, which gave this man such breadth of comparison, such impartial and cosmopolitan comprehension? What was it which always caused him to move slowly when others advised dashing impetuosity?

Simply, common sense—that quality of which the average agitator knows nothing—that cautious foresight which bids you "look before you leap."

When men at the foot of fortune's ladder, and who are too often at the bottom of everything through the force of gravitation, become desperate and recklessly advocate "anything for a change," it is well that others, who occupy a more elevated position, should be allowed to say a word in moderation, and in such instances calm judgment seems to be given only to those entrusted with vast interests, the care of which has developed qualities unknown to the blatant advocate of revolution.

When the countenance of solid men is withheld from certain schemes, and the fact becomes apparent that whatever endorsement is given is under protest, such schemes lose force, and either recoil upon their creators or die of vacuity.

Such men as Walker Brothers are as much of a necessity in the political weal of Utah, as the free air and pure water are to physical life. Their influence has naturally been toward conservatism. Radical and revengeful projects could never be endorsed by men whose interests were as extended as those controlled by the subject of our sketch, and it should never be forgotten that the wise utterances of a few clear-headed ones, chief among whom was Mr. Joseph R. Walker, have quietly averted dangers unknown of and unheard of by many of the plodding citizens of this mountain region.

Always independent, never vacillating, this gentleman has walked steadily to a line of conduct which does him honor, and which as surely as the rising of the sun will continue until the few self-sufficient ones who "strut their brief hour upon the stage" awaiting admiration, are lost in the vastness of their own appreciation. The great public well knows the character of Mr. Walker; the better elements of our community know his worth, and his influence is far beyond what he himself comprehends, so that the near future must demand his services in positions to which his ambition would never lead him. We congratulate Utah on the possession of such men as Mr. J. R. Walker, and we feel proud that our representatives come from such stock. We have asked the attention of the chief magistrate to his peculiar fitness for gubernatorial honors, and we have never swerved in our faith that fitting recognition will be made of the eminent services of this gentleman.

When the proper times comes, we believe we shall have the pleasure of greeting Utah's most eminent citizen, GOVERNOR JOSEPH R. WALKER.

"For ever the right comes uppermost,
And ever is justice done."

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## DAVID F. WALKER.

In the establishing of the firm of the Walker Brothers David Frederick Walker was, as we have seen for many years shoulder to shoulder with his brothers in all the activities and business aspirations of their house; but the time came when a revolution was wrought in his life which has led him apart from his brothers into another sphere and retyped his character and purposes. The cause was his earnest and fearless investigation of the subject of another life, resulting in an extraordinary experience that has brought to him a knowledge of immortality, to his mind beyond all doubt and given him a familiar association with beings of another world. This experience was probably superinduced by the death of his wife, about ten years ago, and her often visitation to him since. With such experiences as these, Mr. Walker was not the man to shrink from the responsibility of declaring the truth to his friends or hesitating to take up the mission of his intellectual and spiritual new birth. He was still the business man, but business for the mere accumulation of money had lost it charms; and the aspiration daily grew in his soul to devote the future of his life to help the human family in their spiritual and social welfare. The recent dissolution of the Walker Brothers' original union has given him the fair opportunity to design and perfect his plans, and Utah will be the place of his operations. With his vast wealth, and his great persistency in carrying out his purposes, Mr. D. F. Walker has the opportunity and power to take his place in our local history as the social benefactor of Utah. Several years ago he sent a fragment of his writing, but not his name to a lady in

David F. Walker

Brooklyn, who gave what is styled psychometric readings of character. He further hid himself by having the reply addressed to the P. O. box of a friend. The reply duly came; and it is so true a description of his character, and so like D. F. Walker's literal biograph of the last few years that it may be embodied in this sketch as a suggestive personal page:

"417 SUMMER AVE., BROOKLYN, N. Y., Aug. 10th, 1883.

"PROPHETIC AND PSYCHOMETRIC READING OF THE PERSON TO WHOM THIS IS ADDRESSED.

"Brought *en rapport*, or pyschometric sympathy with this gentleman through the subtle emanations of his writing, I find a nervous, sanguine temperament, with great decision of character and will power, and a person of marked individuality, in many respects. One who acts, speaks and thinks for himself and never stands still but by nature is intuitive and progressive. In religious and emotional sentiment, is enthusiastic and zealous, and whatever he enters into he puts his whole energy and soul into it, and is very persistent in all he undertakes. Naturally very active and susceptible, he has made his way through life thus far in a sort of independent way, carrying out his own plans and method of doing things. Being very susceptible and receptive through his emotional and sympathetic nature, he is easily approached through that avenue. He is in some respects self made and individualized and has had a varied experience.

It appears to me that early in manhood he began to assume his individuality and was attracted to conditions and surroundings, out of curiosity and zealous enthusiasm, which did not meet with the entire approval and encouragement of his personal friends and kin, yet there was an experience before him and he must have his own way, so he mapped out his own way. He seems to be one who is destined to a charmed life and he has been very successful in business and financial operations, where many others would have failed. He has a certain amount of confidence in himself, together with a certain amount of executive ability and good judgment, which enables him to succeed in whatever he undertakes. He is by nature conscientious and actuated by his highest and best impulses

Experience has been a great teacher to him, and his practical observation and intuition has enabled him to make many discoveries in human nature of practical benefit. He seems to have labored in a certain fixed line of purpose and association for a period of years and met with many valuable experiences; but in the course of his mental and moral discipline, he became unfolded and developed in the higher attributes of his spiritual nature, to change his views and system of things, and I discover a marked change and a departure from his previous course and experience, and that which seemed agreeable and pleasant to him in his former life became distasteful and repugnant, and a conflict of moral and religious sentiment and feeling ensued, and I am forcibly impressed that he took a decided position and remained firm to his highest convictions.

"Means and influence, however, helped to sustain him in his new relations, whereas without both, he would have met with greater opposition and trouble. His present surroundings, as far as business and finances are concerned, seem to be very successful and auspicious of every result desired, and there is an atmosphere of more or less independence, yet in a physical and mental sense I seem to be conscious of a feeling of disquietude and restlessness, a void unsatisfied and a longing for a change of some nature more agreeable and satisfactory. There is a much needed change of scene and surroundings for this person, and a desire on his part to accomplish a purpose or plan which present demands upon his time and attention precludes the possibility of doing—there seems to be a certain restraint and restriction upon his movements and inclinations altogether distasteful to him, and he environed with circumstances and conditions over which he has no seeming control at present, but changes are in store for him by which he will exercise more freedom and enjoy more real personal liberty. I can see him approached by a proposition and inducement to retire from his present business position and left to make his own conditions in keeping with his inclination and aspirations.

"I see before him a trip across the ocean and a visit to foreign lands, and his interest enlisted in a new enterprise, which will occupy his attention and time in a very agreeable manner. He will travel for a while extensively, and cover a great deal of ground in this country as well as abroad. He will be interested in some humanitarian work and system which will give him notoriety and popularity in a certain degree. There are many novel experiences in store for him, and he will lead truly a charmed life; but he will be obliged to get rid of certain old conditions and influences in order to feel free and happy. It is impressed upon me that he is greatly interested in some particular work or book upon some subject he is quite familiar with, but his views and habits have been

changed in connection with it. I may be mistaken, yet I feel to write as I am impressed to do. I see a very active and useful future before him, and I would advise him to act upon his highest convictions under all circumstances, and heed his own personal impressions. Many novel experiences are in store for him, and this Fall and Winter will disclose to him many changes. He should look well to his health, and seek a change of climate occasionally. I see disturbances of a conflicting nature around him, and he does not feel at ease; but there will be a change for the better, and he will be glad to entertain the proposition which will be made him. He will never want for worldly means and comforts and he will suffer more from a social sense and through affliction in his family and among his friends than from any business disparagements or disappointments. The coming year will be eventful of many important changes for him and those associated with him. Here the veil or curtain of the future falls, and no more is given me to disclose. I therefore submit the reading to his criticism and investigation, and with every wish for his welfare and happiness, I am,

"Very respectfully,

"MRS. M. A. GRIDLEY."

Mr. D. F. Walker is among the most prominent of the art patrons of our city. At his home in this city are a number of pictures, an accumulation of years of careful and kindly purchase, yet chosen with a distinct view of promoting the development of art at home. while beautifyiug at the same time his own walls. True, not a few of the works have been painted away from here by artists not at all identified with the West, but these are specimens of the best work of America's best artists and also some from the eminent painters of Europe.

In getting together the works that adorn his home, Mr. Walker has thoughtfully directed his purchases to the encouragement of originality and individual talent among our local painters; in so doing, he has shown a purpose uncommon among picture buyers here or elsewhere; yet it is this course that alone will foster worthy attainments in art. Mr. Walker has shown in his labor of collection an appreciation of local talent and originality, and he has been ever ready with an open hand to reward the legitimate pursuit of excellence. There is scarcely a Utah artist—high or low—who has not received encouragement from him. Mr. D. F. Walker's art gatherings began with the purchase, many years ago, of an autumn-river subject by a painter named Boyde, and his art collection has increased until he now possessess about one hundred pictures, many of them from the hands of our local artists, but crowned with a choice selection from master painters of Europe and America.

As intimated at the opening of this sketch, in the remaining periods of David F. Walker's life—and his age is scarcely beyond its prime—we may expect to see plans and purposes in their fruition which are already in a state of incubation, for the endowment of some institution, to foster and make blessed the closing days of our poor but worthy citizens; such a consummation to his life-work would be a lasting monument to the name and memory of David Frederick Walker.

## BENJAMIN G. RAYBOULD.

Benjamin G. Raybould, whose name for so many years has been so closely associated with the Walker Brothers, as their confidential aid, was born in Birmingham, England, October 29th, 1839. He is the son of Charles and Caroline Grundy Raybould. The family emigrated to America in 1859, landing in Boston. Here young Raybould worked for a while at his trade—an engraver—and subsequently at New York. Two years after his landing in America, he started west for Utah, which was the place of his original destination. In 1861 there were four very large trains sent from Utah to bring on the emigrants. Those trains consisted each of from 50 to 100 wagons, under the command of Captain Ira Eldredge, Captain Joseph Horn, Captain John R. Murdock and Captain Rollins. Eldredge's train led the van, and in his company was young Raybould and his affianced lady, (Elizabeth Tame) to whom he was married November 30, 1863.

His first experience in Salt Lake City was the necessity of work. At that date no branch of art had been established, and there were no patrons to encourage it in all Utah sufficient to give half a dozen artists of every class their daily bread. The house and decorative painter was the only worker, that approached the art class, who could find employment to provide for the wants of home. It is true Professor Ballo had taught band music, and the day was approaching when an orchestral conductor—C. J. Thomas—was to be employed in the Salt Lake Theatre; but, when Mr. Raybould arrived in Salt Lake City, there was no more a sphere for him as an engraver than there was for this writer—as an author—who crossed the plains with him, in Captain Horn's company, which followed Eldredge's train and nightly camped near it. Engraver and author alike found no congenial sphere, nor even the barest employment in their professions, twenty-five years ago.

But the native pluck and self-reliance of Benjamin Raybould stood by him in good earnest, the several succeeding years; while, from time to time, he reconstructed and reconsidered his life work and purposes, at each step decidedly advancing his social grade. At the time of his arrival in the city, Brigham Young, by the management of Clawson and Caine, was building the Salt Lake Theatre. On this building Mr. Raybould sought employ; and, having had no training or experience in either branch of the builders' trade, the skilled engraver became, for awhile, the common laborer. He carried the hod in building the theatre and, though at first the labor punished him severely, he stuck to it until finished. After this, in the spring of 1862, he dug ditches, hauled wood, and performed other like work. In May of this year he went to the frontiers, in Captain Horn's train, to bring on the poor, returning to the city early in October of that year.

After he came back from the frontiers, Mr. Raybould apprenticed himself to the carpenter's trade for a year, to William Salisbury, at that time a well known Salt Lake builder. This was an advance a step beyond the laborer towards his former social grade; but his native ambition pushed him above the mere trade level and another step was made in the summer of 1864.

Mr. Raybould at this date was engaged by T. B. H. Stenhouse as his assistant postmaster. At a later period he went into the *Daily Telegraph* office, in the same employ, to assist Thomas G. Webber as a bookkeeper. Webber is a first class business manager and accountant, and under him Raybould obtained an insight into the science and practice of bookkeeping, and to it he devoted his surplus time in study and practice, to render himself efficient for a clerical position in a first class mercantile establishment.

At the very juncture when Mr. Raybould felt himself fully qualified to take such a position, towards the close of the year 1865, the Walker Brothers advertised for just such a man. Mr. Raybould answered them and obtained the situation, and engaged in their employ on the 1st of January, 1866. His first balance sheets were highly satisfactory to the firm, and he at once became established in their favor as an efficient business aid. From that day to the present (over twenty years) he has risen by his merit, ability, untiring industry and trustworthiness, until the name of Benjamin G. Raybould is known, as chief assistant of the Walker Brothers, in all the principal cities of America and Europe, where the name of Walkers is as familiar as that of any bankers in the West. He has been their business manager, cashier and credit man, and is now the cashier and one of the directors of the Union National Bank. Ever since the incorporation of the Alice Gold and Silver Mining Company, Mr. Raybould has been its secretary, and he is also one of its directors. Besides these his miscellaneous positions and trusts in the settlement of estates and business may be mentioned. On the failure of Nounnan, Orr & Co., in 1870, he was assignee in the settlement of that business, and he has been administrator and executor of numerous estates of deceased persons. He was president of the Salt Lake *Tribune* Publishing Company, when Godbe, Lawrence and Chislett were chief directors, and it was he who transferred that paper over into the hands of the Prescott & Company's management. He is now a director, and the secretary and treasurer of Ogden City Electric Light Company; director and treasurer of the Salt Lake Power, Light and Heating Company; director and treasurer of the Walker Brothers Company; vice-president and director of the Kentucky Liquor Company, and vice-president of the Conklin Sampling works. The foregoing is properly mentioned to show the extensive and numerous enterprises and concerns of the Walkers, over which J. R. Walker has presided, with Benjamin G. Raybould as the chief and trusted servant of his house.

Among our citizens Mr. Raybould is esteemed an influential and a prominent man; and, though not classed among the capitalists of the country, his close and extensive association and management, for the last twenty years, in connection with Walker Brothers, of some of the largest enterprises and financial transactions of our Territory and adjacent Territories, have made him a

power in the estimation of the financiers and business men of the West. He is a gentleman of irreproachable moral character and integrity; he is liberal in his ideas yet decidedly a conservative society man; he is of an intellectual and artistic turn of mind and is altogether a man of culture. "Self-made" is a mark of distinction to which Benjamin G. Raybould is eminently entitled.

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## CALEB W. WEST.

Caleb Walton West, the present Governor of Utah, was born on the 25th. day of May, 1844. at Cynthina, Harrison County, Kentucky. His father's name was Andrew Jackson West, which name signifies that grandfather West was a Jackson Democrat; his mother's name was Catharine Murphy. They were both natives of Harrison County, Kentucky. His father's family were American born for several generations. His grandfather Murphy came from Ireland to America, where he married Milinda Remington, of old Virginian stock. Father West was a hotel keeper; in politics he was a Henry Clay Whig, but his grandfather was a Democrat, as is his grandson, our Governor.

After attending primary schools in his native town, Caleb W. West, at the age of fourteen, went to Millersburg, Bourbon County, Kentucky, to finish his education at the Collegiate Institute of that town, conducted by Dr. George L. Savage.

The war between the North and the South broke out when he was in the seventeenth year of his age; and at the very onset he entered into the action, taking part in the raising of the first company organized in his county for the Confederate service. He was elected orderly sergeant of this company, which with other companies were the first troops to leave the State. At the onset they went to Nashville, thence to Lynchburg, and from there to Harper's Ferry, where Col. Thomas J. Jackson, afterwards known as the famous Lieut.-General Stonewall Jackson, was in command. Young West served over a year in the Army of Northern Virginia. He was next in Gen. Jos. E. Johnson's army, and with that General started from Winchester to join General Beauregard at the battle of Manassas. His regiment had embarked on the train when an order was made for the Fourth Alabama Regiment to take its place; and West's regiment was left at Piedmont, and did not take part in the battle. He was with Gen. Jos. E. Johnson's army at Fairfax Court House and Centreville, and his company was part of the force that marched from Centreville and was engaged in the battle of Drainesville under the command of the celebrated cavalry general, J. E. B. Stewart. West's company suffered a loss of seventeen killed and wounded. They went into Winter Quarters with Johnson's army; next marched from Winter Quarters to Orange Court House and thence to the Peninsula to meet the advance of McClellan's army on Richmond.

Early in the summer of 1863, the time of his company having expired, the men were discharged at Richmond; but young West, with enthusiasm, desired to continue in the service. He went south, and, meeting General Morgan at Montgomery, Alabama, joined his command and proceeded to Chattanooga, where he was mustered in as a private in Company E of the regiment that was commanded by General Basil W. Duke. When General Morgan organized his brigade, West was detached from his company and became a member of the advance guard and served with it until the invasion of Kentucky by Kirby Smith's army, when West was appointed a Lieutenant by Gen Morgan and assigned to Company I, in Duke's regiment. He served with this command until they invaded Indiana and Ohio, and until he was surrendered, with the command, by Gen. Morgan, near Salienville, Ohio, in July, 1863. He was carried to Campchase military prison, where he remained until October, 1863, when he was transferred, with a number of other officers, to Johnson Island military prison, set apart exclusively for officers. There he remained a prisoner until the 11th day of June, 1865.

On his release, the war being over, he returned to his native State, and in September, 1865, he became deputy circuit court clerk and resumed his study of law, which had been interrupted by his entering the army. He continued in that position until the latter part of December, 1866, when having obtained his law license, he began the practice of the law early in 1867.

In June, 1867, Caleb W. West married Nannie Frazer, eldest daughter of Dr. Hubbard Frazer,

a native of his county. By her he has a son, Caleb Frazer West, born July 31st, 1871. His wife died in May, 1882.

Returning to his public life we note that he was appointed county attorney to fill a vacancy, and was re-elected to the same office, and at the expiration of his term was elected judge of his county, which position he afterwards resigned to confine his attention to the practice of the law. He was a candidate before his party convention for the nomination as chancellor of his district, in 1880. His friends claimed that he was fairly entitled to the nomination but he yielded and was not a candidate. His name was placed before the State convention as a candidate for Lieut.-Governor of his native State in the last convention, in 1884; and though he had not been before the people until his name was brought before the convention, and while there were six or seven other candidates he was the contending one for the election.

Caleb W. West was appointed Governor of Utah by President Cleveland, in April, 1886, and was confirmed by the Senate on the 29th of April. Speaker Carlisle was his sponser, and the whole delegation of his State supported his appointment. He arrived in Utah on the 5th of May and took the oath of office before Chief Justice Zane on the following day.

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## ARTHUR L. THOMAS.

Arthur Lloyd Thomas, Secretary of Utah Territory, was born in Chicago, Illinois, August 22d, 1851. He is of Welsh descent on both sides. His father Henry J. Thomas, was born near Swansea, Glamorganshire, South Wales. The mother's name is Ellinor Lloyd. She was born at Beulah, Cambria County, Pennsylvania, and is of Welsh parents. Soon after his birth, Secretary Thomas was taken by his parents to Pitsburg and there he was educated at the public schools of that place. In April, 1869, when Secretary Thomas was between the seventeenth and eighteenth years of his age he was appointed by Hon. Edward McPherson to a position as clerk in the House of Representatives, Washington, D. C. He remained an employee at the Capitol building until his appointment May 1st, 1879, as Secretary of Utah.

Secretary Thomas arrived in Salt Lake City, May 12th, 1879; George W. Emery was Governor of Utah at the time. In the Spring of 1880, he was appointed supervisor of census for Utah, and the same year was appointed special agent to collect the school statistics of the Territory; also the statistics of the different church denominations, especially the Mormon Church. The manner in which he conducted this census work has been commended by the press and the people of Utah Territory and the supervisor of census.

In March, 1832, he was appointed by the Utah Legislature one of a committee of four to compile and revise the laws of Utah; and was also, by the Legislature of 1886, appointed one of the commissioners to compile laws, but the measure was vetoed by Governor Murray. During the session the first Legislature after he came to Utah, he was acting Governor, all but five days of the session, and fully one-half of the session of 1882. In 1883 he was re-appointed Secretary of the Territory for four years. At various times during his terms of office he has been the acting Governor. Probably the most exciting and trying time in his exercise of the functions of the executive office was in his connection with the celebrated Hopt case. This man had three times been convicted and sentenced to death for the crime of murder, but on appeal to the U. S. Supreme Court he was enabled to secure a new trial. After this third conviction and sentence Judge Hunter, and afterwards the Territorial Supreme Cour refused to grant a stay of execution and the Marshal made all arrangements for the execution. Hopt's attorneys made application to acting Governor Thomas for a respite pending an appeal to the U. S. Supreme Court. This was denied on the ground that there was nothing in the record indicating that complete justice was not done by the verdict and sentence. The only thing to consder was did the appeal work a stay of the execution, and Mr. Thomas said this was a judicial matter for the Executive to decide.

The refusal to grant the respite was considered by the public as sealing the doom of Hopt; but,

the day before the morning set for the execution, public feeling ran so high that the leading members of the bar appeared before the supreme court of the Territory, then in session, and submitted that it was a monstrous proposition that a man should be executed pending his appeal to the higher court; and, thus urged, at a special session held that evening, the court unanimously recommended the acting-Governor to grant a respite. When the action of the court became known there was an intense excitement throughout the city, people gathering in crowds to discuss the action of the court. Next morning a citizens' mass meeting was held at the Walker Opera House and a committee appointed to wait on the acting-Governor to protest against the respite being granted; during which time the principal streets were thronged with people; but Mr. Thomas decided that as the law granted to Hopt an appeal he was entitled to live until the appeal was heard, and granted the respite. His course was at first condemned but a reaction in public feeling immediately followed, and his action was approved and commended by the entire press and people of the Territory.

Another notable instance was his connection with the celebrated Cannon-Campbell election case. Gov. Murray issued the certificate to Campbell. Immediately afterwards acting-Governor Thomas was served with a writ of mandamus from the Third District Court to issue a certificate to Mr. Cannon; but Mr. Thomas declined on the ground that that function of the Executive office in connection with the last delelegate election, had been performed by Governor Murray.

As acting-Governor he has approved of many important statutes. One of great interest to Salt Lake was the amendment to the City Charter empowering the city authorities to license and regulate the liquor traffic, which is the first amendment of the City Charter with re erence to the regulation of the liquor traffic not broken by the courts.

By the Edmunds act Secretary Thomas was made ex-officio Secretary of the Utah Commission, created by this act; and subsequently by an appointment of the Secretary of the Treasury he was made its disbursing agent.

Of his immediate family it may be noted that Arthur L. Thomas, was on the 6th of February, 1872, married to Miss Helena H. Reinburg, of Washington, D. C., daughter of Louis and Anora Reinburg, by whom he has a family of five children now living. Of the results of his official course durr ing his two terms as Secretary of the Territory, including the superadded functions of the commission, it may be observed that he has won the good will and respect of the general public and of the most intimately concerned with him in the exercise of his official duties.

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## JOHN T. CAINE.

John T. Caine, our Delegate to Congress, was born January 8th, 1829, in the parish of Kirk Patrick, near the town of Peel, Isle of Man. All his family were natives of that island, being connected with its old families. He received in his youth a fair common school education; but he can scarcely be said to have commenced life until he came to America. Being early impressed with a desire to emigrate to the New World, feeling the limits of the old romantic island which had given him birth, and learning of the vast advantages which America afforded to the laudable ambition of men starting life, he resolved to cast his destiny among the people of this grand Republic. Not as a Mormon, but simply as an emigrant to America, at the age of seventeen, he started, it may be almost said alone, being accompanied only by a cousin, two years his junior, whose life has had very little connection with his own. He arrived in New York early in the spring of 1846, where he remained till the fall of 1848.

It will be remembered, by those familiar with the history of the emigrations from Great Britain to this country, that about the year 1846 that tidal wave of emigration from England to this country rose, which has since done so much to develop American industries, and indeed the American civilization itself. It brought over a class who are to-day known as the self-made men in every great city of the United States, and who, though not of native birth, rank among the best representatives

of this nation. Mr. John T. Caine was early among that class who felt this great emigrational impulse of the age; and, as already observed, it came to him before his connection with the Mormon people.

Mr Caine however, had not been long in America before he was brought to a thoughtful and very thorough investigation of the Mormon religion and movement. In the Isle of Man he had heard Apostle John Taylor preach, but it was the stirring events of the great Mormon exodus from Nauvoo that so strongly arrested his attention to a study of this strange people. At this time also, though young, he was investigating the complex subject of the religions and sects of the day generally; and, being of a self-reliant turn of mind and marked individuality of character, he chose to identify himself with the Mormon people in the very crisis of their destiny. He joined the Church in the spring of 1847, just about the time when Brigham Young and the Pioneers started from old Council Bluffs on their first journey to the Rocky Mountains.

Joining the Mormons changed the whole course of Mr. Caine's life. It first led him to St. Louis, in October of 1848. There he became thoroughly identified with the Mormon work, and among other official duties, acted as secretary of the conference. While at St. Louis he married Margaret Nightingale a distant kinswoman of the illustrious Florence Nightingale, the Crimean heroine. This is the only wife our present delegate to Congress has ever had; she is still living, has a large family, and several of her eldest sons are young men of mark.

Mr. Caine and his wife remained in St. Louis till the spring of 1852, when he left and came direct to Salt Lake City, arriving here in September of the same year. That fall and winter he taught school on Big Cottonwood. It was during that winter he first became connected with the old Deseret Dramatic Association, which was then giving performances in the Social Hall. After awhile he was employed in the Trustee-in-Trust's office, where commenced his association with President Brigham Young, which ultimately brought Mr. Caine into first class society prominence, he being for years known as one of the President's most reliable and confidential men.

At the April Conference of 1854, he was called to go on a mission to the Sandwich Islands. He was gone from home two years and a half, during which time he labored on the Islands and in California, returning to Salt Lake City in the winter of of 1856-7.

Immediately on his return from the Sandwich Islands his connection with the Utah Legislature commenced, he being elected assistant secretary of the Legislative Council for the session of 1856-7 and re-elected to the same position for the session of 1857-8. For the session of 1859-60, he was elected Secretary of the Legislative Council, and re-elected to the same position for the session of 1860-61.

His position as secretary of the Council brought Mr. Caine into intimate relations with Governor Cumming and other Federal officers; and being a man of brain, not given to extreme views, and withal a natural leader in society, he exercised considerable influence with the Governor and his class. Indeed, it may be said that, down to the present time, few men in Utah representing the Mormon people have exercised so much influence over the best part of our Gentile population as John T. Caine.

It was just after Utah began to revive from the social "break-up," consequent of the "Utah war," that the Salt Lake Theatre rose, under the management of Clawson and Caine. Those acquainted with the history of our Territory will remember that, in the earlier periods, its dramatic pages were quite marked—indeed, in the second decade, really magnificent. [See Chapters LXXXIV. and LXXXV.]

During his professional visit to the States, Mr. Caine assisted in the immigration of that year. After his return he resumed his place in the management of the Theatre, and in 1867-8-9 Clawson & Caine were its lessees.

In 1870, the "more important duties of the State" called Mr. Caine into its service, and new spheres opened to him of legislator and journalist, culminating at length in his election as delegate to Congress.

Early in the spring of 1870, when the Cullom Bill excitement was at its height, Mr. Caine was was sent to Washington with the people's remonstrance and petition to Congress against that bill. At the request of Delegate Hooper, he remained with him from March till the latter part of July, the end of the session. Hooper frankly acknowledged the help, and from that time the present delegate's career was forecast in Congress.

On his return, Mr. Caine found the Salt Lake *Herald* had just been started by Dunbar and Sloan. He became associated with them in this journalistic enterprise, assuming control both of the editorial and business departments. The combination and the paper both soon became a marked

success; and, to this day, the *Herald* has had a most important journalistic career in the history of *modern* Utah, which began with the advent of our railroads, the opening of our mines, the rise of our local political parties, and the almost simultaneous birth of the Salt Lake *Tribune* and the Salt Lake *Herald*.

Mr. Caine was a member of the justly famous State Constitutional Convention of Utah, in 1872. (See Chapters LV. and LVI.) In the whole of the action of this convention, John T. Caine voted for the advanced measures, on the side of political reform, and social adjustment, and the Salt Lake *Herald* daily supported the work.

In 1874 our delegate was elected a member of the Council branch of the Utah Legislature. The following year he made a flying trip to Europe to recover his health. He was again in the Council in the session of 1876, and was re-elected for the sessions of 1880 and 1882. He was elected Recorder of Salt Lake City in 1875, and was serving his fourth term in that office when he was elected delegate to Congress. He was in the State convention of 1882, and was one of the delegates sent to Washington to present the constitution to Congress and ask for the admission. Of his election as the regular delegate to Congress from this Territory, we have fully treated in the history of our recent political campaigns.

Years ago we forecast him for service in Congress, when Utah should need her strongest available man for the times. The veteran Hooper, than whom no more sagacious politician ever went to Washington, decided that Caine was the man for Utah in the crisis then pending, and an eighteen thousand majority of the people of this Territory so decided.

During the entire time that Hon. John T. Caine has been in Congress efforts have been made by the minority party of Utah to secure legislation which would deprive the majority party of the political control of the Territory and to procure more stringent measures against the practice of polygamy. The most important of these anti-Mormon measures is the new Edmunds' Bill, which is now pending in the House of Representatives. Mr. Caine has been indefatigable in his efforts to defeat the enactment of these unconstitutional and oppressive laws. He has several times appeared before the committees of Congress and made able arguments in defense of his constituents and to correct the misrepresentations of their enemies. During the present session of Congress, Mr. R. N. Baskin (who was sent to Washington by the anti-Mormons of Utah), assisted by Miss Kate Field and others, appeared before the Judiciary Committee of the House and made lengthy arguments in favor of the pending bill; Delegate Caine on his side replied in an effective speech and conducted an able defense of his people. Mr. Caine is himself a monogamist, as his present position as Utah's Delegate in Congress would show; but he understands the faith and religious integrity of his people. To him, as to them, the marriage system of the Mormon Church is essentially a religious institution, and, therefore, though himself a monogamist, he consistently maintains the religious rights of the Mormons as American citizens. In fine it may be truthfully said, that in the Hon. John T. Caine, the people of Utah has an efficient and courageous representative who has dared to defend an unpopular cause and justify the conscientious lives of his people.

*Wm. S. Eldredge*

## HORACE S. ELDREDGE.

### AUTOBIOGRAPHY. SKETCHES FROM HIS LOG BOOK AND REMINISCENCES OF EARLY DAYS.

From the records of our old family Bible,—which in those days was more frequently used than of late,—I learned that I was born on the 6th day of February, 1816, in the town of Brutus, Cayuga County, State of New York, where I was tenderly nurtured by kind and indulgent parents, until I was eight years old, when death called my mother to another sphere. From early influences and moral training, both by precept and example, I began, at an early age, to reflect much and consider the necessity of preparing for a future state in order to again meet a pious mother who had gone before. The watchful care of my eldest sister and a pious aunt who, at this time was one of our household—I well remember her frequently leading me to Sabbath school and church—still cultivated in me the principles of morality and a desire to be associated with good and honorable people; and at the age of sixteen, to the great satisfaction of my friends, I united myself with the Baptist Church. But after study and reflection, I found I could not subscribe fully to the Calvanistic doctrines of effectual calling, total depravity, the final perseverance of the Saints, etc. However, I continued my connection with them until the Spring of 1836, when, for the first time, I heard a sermon from an Elder of the Church of Jesus Christ of Latter-day Saints, which prompted me to a further investigation, and I became convinced that it was the only *true* order of religion that existed; for it was the exact pattern of the Apostolic Church. In taking this step it is needless for me to say that I was much opposed by real friends and persecuted by pretended ones; but, disregarding both, I resolved to take that course that would best satisfy my own conscience—"Choosing rather to suffer affliction with the children of God than to enjoy the pleasures of sin for a season."

During the summer of 1836 I married and settled on a farm near Indianapolis, in the State of Indiana, with every prospect before me of the enjoyment of a quiet and happy life. But feeling desirous of associating myself with the people with whom I had thus become identified, I sold my farm and in the fall of 1838, started, with the most of my effects, for the State of Missouri. I wended my way towards the northwestern portion of the State, and stopped at Far West, then the county seat of Caldwell County, where I purchased two hundred and thirty acres of land and a comfortable house and lot in town, trusting, by prudence, industry and economy, to secure a comfortable living and a permanent home. But it appears that my anticipations were not to be realized; for difficulties and jealousies, both in political and religious questions, soon arose between some of our people and other settlers; and the Mormons, in some settlements in upper Missouri, were forbidden to vote or to come to the polls to exercise their franchise. This finally resulted in a very serious quarrel on an election day in an adjoining county. Thus started, the difficulty was not easily quelled, as the feud was encouraged and the spark thus ignited fanned by hireling priests and political demagoges until it became very serious, and finally culminated in the exterminating order of L. W. Boggs, then Governor of the State of Missouri. Scores of our people were then ruthlessly murdered, women ravished, and helpless women and children turned out of doors in the bleakness of a severe winter, and added to all, our prophet and several other leading men were incarcerated in prison. But these atrocities have been publisbed to the world; and it is not a pleasant theme for me to write about; but I would mention that about twelve thousand of our people were banished from the State to seek refuge in a more congenial clime.

I had purchased my land, secured my title and placed the same on record, having traced the title to a legitimate entry from the Government of the United States. I felt that I had a right to protection in life and property, never having violated any law that would deprive me of the same; but as it was frequently stated by some of the Missourians, there was no law for Mormons in that State, and no one that professed to be a Mormon was allowed to remain unless he would renounce his religion. I therefore left in the month of December and returned to my friends in the State of Indiana. I will here state that I still hold the titles to my land in Missouri, having never received the first dollar for them. The most of our people moved into the State of Illinois, where they found a

temporary asylum, while our Prophet, Joseph Smith, and several of his friends and brethren, were held in prisons in the State of Missouri. After his escape from prison, and during the summer of 1839, he purchased a townsite and a quantity of land on the Mississippi River, at a point formerly called Commerce—afterwards Nauvoo—where our people commenced to gather, and in the fall of 1840 proceeded to build a temple. During the fall I, with my little family, moved to Nauvoo, to again unite my destiny with this persecuted people. I was present when the first ground was broken for the erection of the temple in Nauvoo, and assisted in its erection until it was completed, in the spring of 1846.

I was in our exodus from Nauvoo in the spring and summer of 1846, and remained at "Winter Quarters" during that year, where we commenced building log cabins and rude huts to winter in; and on the 20th day of November I got my little family under the first and only roof that had sheltered them since the early spring.

Much hardship, privation and suffering were also endured by our people during the two winters we remained at Winter Quarters. There I buried two of my children, and many others were called to mourn the loss of friends who fell victims to privation and want, for in that new and uncultivated country but few of the comforts of life could be obtained for either love or money.

In the spring of 1848, I joined the company of President Brigham Young who, with about five hundred teams, and Heber C. Kimball with another company of about the same number, started on their second Pioneer trip for our new home in the mountains, hoping to enjoy a season of rest, at least for a short time, far from our persecutors. We arrived in Salt Lake Valley on the 22d day of September, having been over four months on our way, living in tents and wagons. Many of the families that came in this season were compelled to live in their tents and wagons during the long and tedious winter that followed; for the season being far advanced when they arrived, they were not able to build. The timber and lumber for building had to be obtained from the mountains, which were early filled with snow, rendering it impossible, with our worn out teams, to penetrate them and obtain building material.

Notwithstanding the various difficulties and disadvantages labored under, however, and trying circumstances that we were called to pass through, during the first season, in which the crickets came and destroyed our crops, we felt to take courage, relying upon the Lord, and believing that he would sustain us as he had hitherto done. Being nearly on a level as to worldly goods, we could sympathize with each other and were willing to extend a helping hand to the weak; and as we divided with the destitute, none could perish with hunger; but if that selfishness which characterizes many communities had been indulged in and encouraged, the suffering would have been great. During the summer of 1849, our agricultural prospects were more encouraging, and on the 24th of July—the anniversary of the entrance of the Pioneers into the valley—we had a grand celebration and a general harvest feast at which all were invited to participate. Long tables being set in the Bowery and loaded with the rich products of the valley, all were made welcome, and there being many strangers present who were on their way to the gold mines of California, it was a day to be remembered by those present. Being myself one of the committee of arrangements and marshal of the day, I had plenty to do; but it gave me pleasure to see so happy an assemblage of people after all we had passed through.

In speaking of myself, the first winter after I arrived in this valley I was appointed marshal of the Territory, and assessor and collector of taxes; and as it was necessary for us to effect and keep up a military organization for our protection, I was appointed to take charge of the 1st brigade of infantry and received there a commission of brigadier-general of the militia.

Being desirous to encourage agriculture and taking great pleasure in that pursuit, I commenced a small farm in the country, which has since been a source of great pleasure as well as small profits, enabling me to better provide for the wants of a family. I also built a comfortable residence in the city, and moved into it in the spring of 1852, this being the first comfortable house we had enjoyed since we left Navvoo in the spring of 1846.

In the fall of 1852, I was called upon and appointed by the general conference of the Church to take mission to St. Louis, Mo., to preside over the St. Louis Conference, to act as general Church agent for the immigration and as purchasing agent for the Church.

In the spring of 1853, our immigration from Europe amounted to about three thousand souls and required over three hundred wagons and a thousand head of cattle to transport them. These, together with what was termed the American emigration, swelled the number to over four hundred wagons and nearly two thousand head of cattle. It required an immense amount of labor to deliver these at the overland starting point, besides purchasing the provi-

sions, outfits and all the necessaries for a three or more months' camp life. After seeing the last company started, I returned to St. Louis to enjoy the short season of rest which very much needed; but about this time I received an extremely kind letter from President Brigham Young, suggesting that, as the heated and perhaps sickly season was coming on I had better not remain in St. Louis but take a trip north. This suggestion I accepted and went to New York State where I spent a few pleasant weeks with my relatives and friends in the place of my birth and early childhood. On my return to St. Louis, I had to look to some Church matters, and, after visiting several branches and giving them the necessary counsel, I began, by contracting for wagons, etc., to lay my plans and arrange for the coming season's immigration. Having formed many agreeable acquaintances, I spent the winter much pleasanter than I had the previous one. The following spring brought its cares and responsibilities, as a large emigration from Europe as well as many from St. Louis and vicinity and different parts of the States were preparing to migrate to our mountain home, and all were more or less looking to me as agent to provide for them their outfit by the way of teams, provisions, and the various necessities for a trip across the plains. I also received orders from Salt Lake City to purchase a large quantity of merchandise, machinery, agricultural implements, and to provide wagons, teams, teamsters, etc., for their transportation. Having but little or no help that I could rely upon, nearly this whole labor devolved upon me, and I was compelled to give it my personal attention.

Several of our brethren organized what they called the "Mormon Social Club," and spent their leisure evenings in meeting together and enjoying themselves with singing, recitations, instrumental music, etc. They kindly proposed to give me a complimentary benefit, and accordingly they rented a theatre, and got up a very respectable programme. The entertainment was quite a success, and was liberally patronized, as the house was filled. This was highly appreciated by me, more from the kind spirit manifested by my friends than the pecuniary aid it gave me, yet both were acceptable under the circumstances. Near the close of the performance one of the committee requested me to step behind the scene and when the curtain dropped to announce a short recess while they were preparing for the closing farce. The curtain was immediately lifted and I stepped forward to the footlights and was met by one of the committee who presented me with a letter, and as I extended my hand to receive it, he replied I will read it for you, to which I bowed assent. This took me by surprise as I had not the least idea of what the letter was or what they meant in placing me in that seemingly awkward position. I stood motionless while he read, as one listening to his death warrant. Having the original letter before me, I here give it verbatim, as well as my answer, which I have preserved with great care.

"ST. LOUIS, January 30th, 1854.

"*H. S. Eldredge, President of the St. Louis Conference.*

"We, the 'Mormon Social Club,' having viewed with *entire satisfaction*, your labors in the responsible situation which you occupy, and having seen with what anxious care you have discharged arduous duties, and with what impartiality you have ministered to the Saints. We *approbate* the same with pleasure, and therefore we *voluntarily* give to you this *complimentary benefit*, and also herewith present to you this gold ring as an abiding testimony of the same.

"That we, the 'Mormon Social Club' have not alone been the interested observers of your conduct is manifest by this crowded hall of Saints and friends, who have assembled with us to contribute their meed of praise, and by their presence to express approbation of this testimony of our esteem.

"Our wishes are for you in the future that your course may continue prosperous, and always found in the path of goodness.

"Signed on behalf of the St. Louis M. S. Club.

"S. J. LEES, ANDREW SPROWL, J. SEAL,
"Committee of Management."

At the close of his reading the foregoing letter the other two committee stood at my left with a beautiful gold ring, suspended on a ribbon ornamented with two beautiful rosettes, and stepped forward, placed the ring on my finger, and then stepped back again. I replied:

"It is with a heart full of gratitude to my brethren of the 'Mormon Social Club,' that I accept of this token of their love and esteem for me. As well do they have my heartfelt thanks for their perseverance and untiring zeal which they have manifested in preparing and presenting this complimentary benefit.

"I also tender my thanks to this assembly for the liberal patronage which they have favored us with on the present occasion. And as my past course has been viewed with entire satisfaction by

you, my brethren of the club, as well as the good feeling that seems to be manifest upon the present occasion, so may I ever live and conduct myself that I may secure the confidence, esteem and kind feelings of all good people, both in time and in eternity."

During the winter of 1854-5, I remained home with my family, having been elected a member of the Legislative Assembly. Forty days of the time was employed in assisting to enact laws for our young and growing Territory.

In the fall of 1856, I entered into an arrangement with W. H. Hooper to take a stock of goods to Utah County, and on the 23rd of October, started a train well loaded with merchandise, amounting to $15,000. I proceeded to Provo, rented our store and opened our goods. Our adventure was tolerably successful, as I sold quite a quantity of goods and bought several hundred head of cattle. It was my first mercantile transaction with W. H. Hooper. In the month of February, I was notified that I was requested to return to St. Louis and to be ready to start the 1st of March to again resume the Presidency of the St. Louis Conference, and to act as a general Church and emigration agent. I therefore commenced arranging my business, turned over my goods and cattle to W. H. Hooper, effected a satisfactory settlement and was ready to start at the appointed time.

During this season, great excitement prevailed throughout the United States regarding the "Mormon War"—or President Buchanan's war upon the Mormons,—in which General Johnston was placed in command of two thousand, five hundred men, who were called the "Flower of the American Army," and with all the necessary supplies, arrangements, arms, ammunition and implements of war, to march against and, as many supposed, to put to the sword and annihilate the Mormons. It was frequently remarked to me, while attending to busine s in St. Louis, that they would "use up" the Mormons and not even leave a "grease spot." One prominent business gentleman expressed himself, in the kindest feeling, I believe:

"If I were you, I would immediately fetch my family away from Utah, for they are bound to use up your people."

I remarked that I considered my family safer in Utah than I would if they were in St. Louis. He seemed surprised and almost ridiculed the idea; but during the late war between the North and the South—if my memory serves me it was in 1864—I stood in St. Louis in company with the same gentleman, viewing a regiment of soldiers marching down to a steamer that was waiting to bear them to the battle-field. He said to me:

"I would to God that my family and effects were in Utah."

Circumstances had somewhat changed his feelings in the intervening six years.

I continued my labors as usual until July 31st, when I started for the Eastern cities, having business in Washington, Philadelphia and New York. On my way, I called at Indianapolis, where I had formerly resided, and called on several of my old acquaintances. On the 4th of August, I arrived in Washington, and as is very difficult to hurry business in Washington, sometimes difficult to accomplish it at all, I was detained longer than I anticipated. Having business with the auditor of the U. S. Post Office Department, and also with the Treasury Department, Mr. Suter, of the firm of Suter, Lee & Co., rendered me what assistance he could, and closing my business on the 8th, I left for Philadelphia, where I remained until the 10th, and I then proceeded to New York. On the 11th, I took the steamer *Isaac Newton*, for Albany, and landing there on the morning of the 12th, took the cars for the west and arrived in St. Louis on the 16th.

Before reaching St. Louis I overtook the previous train, a perfect wreck,—several persons killed and many injured. I was expecting to have been on this train, but had been persuaded by some of my friends to remain over one train, otherwise I might have been one of the unfortunates. My business now required me to do a great amount of traveling. I received several remittances from Washington, in compliance with arrangements made while there.

On September 17th I left St. Louis for Florence and other places up the Missouri River, took the cars to Jefferson City, steamed from there to St. Joseph, and staged to Florence.

While in Florence I enjoyed the hospitality of Brother Alexander C. Pyper, who always welcomed me to his house, for which I always felt grateful, as my business called me there frequently; and the kindness that I received from him and his family will ever be remembered with feelings of gratitude.

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Having been absent over a year, General Eldredge felt anxious to return to his mountain home. On his arrival in Salt Lake City he found that the community had removed South at the approach of Johnston's army. The autobiography continues:

Myself and animals were very much fatigued with the long and tedious journey, and after resting a day I started for Provo to find my family, who, like the rest, had forsaken their home and taken to almost a camp life. My animals being so worn down, it took me nearly two days and a night to reach there.

About this time it was considered safe and advisable to return to our homes; and as the exodus had been general, there was now a general moving north, the roads being thronged with teams and stock.

After getting my family and effects moved back to our home, I began to make preparations for another trip to the States; and on the 14th of September, I took leave of my family and friends and started, being joined by several other parties that were going east. Our company included G. Q. Cannon, J. W. Young, H. D. Haight, and F. Kesler, my wife and child forming a part of the company.

My trip to the States this time was for the purpose of purchasing merchandise and machinery and freighting the same the coming spring. I arrived in St. Louis November 1st, and on the morning of the 2nd, I made my deposit in the bank of J. J. Anderson & Co, having brought with me $26,000 in gold, and it being rather bulky and heavy to handle I was very glad to get it off my hands in a safe deposit; and in the evening I removed to private boarding.

I left on the 9th for Chicago, where I arrived on the 10th and put up at the "Brigs House" I called on Mr. P. Schuttler and settled with him for wagons that had been previously bought of him, and contracted with him to furnish me nearly two hundred wagons for the next season, advancing him $3,000 on the contract, and on the 12th, started on the return to St. Louis, arriving on the 13th.

Having a large amount of machinery and merchandise to purchase, I concluded to visit the Eastern cities and manufacturing districts, and accordingly left St. Louis per steamer *Shenango*, for Cincinnati, arriving on December 3d. After spending several days in Cincinnati, examining machinery, we proceeded to New York and other Eastern cities. From New York I visited several manufacturing districts in the New England States, New Jersey and Pennsylvania, and spent several days in Washington. While in New York I made purchases of merchandise and settled considerable business for W. H. Hooper. I soon left for the West and arrived in St. Louis February 23d.

April 2d, I again left St. Louis for Chicago to purchase more wagons, finding that I needed more than I had engaged. After settling with Mr. Schuttler for the wagons already engaged, I contracted for seventeen more for my own individual use, and returned to St. Louis.

On April 23d I left St. Louis for Parkville, Mo., to purchase more cattle. While on board the steamer *John D. Parry*, on our way up the river, we came into collision with the steamer *Michigan*, in which the latter and her freight were much damaged. I purchased seventy-five yoke of oxen and eight mules of Mr. Thomson, sent them on to Florence in charge of James Brown and James Lemmon, and returned to St. Louis on May 3d.

Having completed purchases for my first train, I shipped the balance of my freight for this train, and a number of passengers on the steamer *Isabella* for Florence, leaving St. Louis on the 18th of May.

On the 19th, I closed my business up to that time, and having negotiated a loan from J. J. Anderson & Co. for $4,000 on my own account, I proceeded to Florence, where I loaded my own wagons, and moved out into camp. It was the handsomest train that I ever saw on the plains. It consisted of seventy-two wagons, all of uniform style, each drawn by three yoke of oxen, and rolled out under the charge of Capt. Horton D. Haight, provided with all the necessary outfit. It reached Salt Lake in seventy-two days, all in good trim, about the quickest trip that a freight train of that size ever made.

On June 12th, I visited James Brown's camp, a few miles from Florence, consisting of about fifty wagons of emigrants. Having organized them, on the 13th they also moved out and proceeded on their journey. After attending to the loading and starting of my own train, under the charge of Jas. Lemmon, with seventeen wagons, loaded with my own merchandise, I returned to St. Louis, accompanied by F. Little and his son, James, to make further purchases and to load several mule teams that had been sent from the Valley by Prest. B. Young, H. C. Kimball and others.

July 5th, we closed the most of our purchases, and settling our bills, shipped the goods and prepared to leave. On July 6th, I left for Florence and arrived on the 10th. I there commenced preparations for a start as soon as the steamer *Emigrant* arrived with our goods. Leaving the mule train in charge of F. Little, I left Florence with a light carriage and mules, taking with me J. W.

Coward, accompanied by Joseph W. Young and a few others with light vehicles for making good time, intending to overtake the trains that had started.

We arrived in Salt Lake City, August 15th, with tired teams and ourselves pretty well worn out

On the arrival of my train, in charge of James Lemmon, I sold to W. H. Hooper an interest in the goods, and we opened them in a part of the building since occupied by the Salt Lake *Herald*. We were very successful in our business during the winter, George Cronyn and myself managing the business, for Hon. W. H. Hooper having been elected Delegate to Congress, proceeded to Washington.

In the spring of 1860, President Brigham Young desired me to go East again and purchase machinery for a paper mill, and other machinery and merchandise. We made preparations to replenish our stock, and I left my home again on the 2nd day of April, engaging H. D. Haight to accompany me to take charge of our train on the return.

I arrived in Florence, May 9th, and leaving H. D. Haight in charge of the mules and wagon, proceeded to Washington and called on W. H. Hooper. I spent a day and a half looking around, visiting the Capitol and White House, had an introduction to President Buchanan, and on the 23rd of May left Washington, in company with W. H. Hooper, for New York, to make our purchases. After accomplishing these, I returned to Philadelphia and purchased and shipped the machinery for the paper mill, after which I left for the West.

Having purchased wagons from P. Schuttler, of Chicago, our arrangements were pretty well completed, and I proceeded on to Florence. On the arrival of our goods, we commenced loading the wagons, and started our ox train in charge of Capt. H. D. Haight, and a mule train in charge of John Y. Green. In the meantime, Capt. Hooper had arrived, to return with me to Utah, and having arranged for a baggage wagon, and driver and night watch, together with a comfortable phæton drawn by good mules for ourselves, we again set out for our mountain home.

On the arrival of the train, we opened our goods in a store then owned by W. H Hooper, which has since been torn away to give place to the Deseret National Bank, and commenced a successful business under the firm name of Hooper, Eldredge & Co.—George Cronyn being the silent partner, with a small interest in the firm. During the fall and winter our business was as successful as we could have expected, and I remained in Utah during the spring and summer of 1861.

There seemed to exist, for some unknown cause, a degree of prejudice against merchants, particularly Mormon merchants, to that extent that we concluded to retire for a season at least. Hence we wound up our business in the fall and divided our goods on hand, I concluding to store mine for the present.

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In the spring of 1862, after the close of the session of the Legislature, of which he had been elected a member, General Horace S. Eldredge was again requested by Brigham Young to go to New York to superintend the emigration, and to purchase machinery and merchandise. This year's mission was performed with the fidelity and executive ability which has ever characterized Horace S. Eldredge's missions and business journeys to the States. In the spring of 1863, he was again appointed to the same work for the Church, and at this point we reach another link of our commercial history. He says:

Having been called upon to go again to New York to superintend the emigration, I left by overland stage in company with F. Little and L. S. Hills—the two latter to remain at Florence, on the frontiers, to attend to the outfitting, and I proceeded to New York to attend to forwarding the immigrants from that point to Florence. Having some means of my own, I invested between $8,000 and $10,000 in machinery for a cotton factory, which was got up under contract by Messrs. Danforth & Co., of Patterson, New Jersey, with the understanding that Prest. Brigham Young would have the same freighted to Salt Lake City and erect buildings for them.

While in New York, I was induced to purchase some small lots of staple goods which I considered would meet a ready sale on their arrival. I therefore invested a few thousand dollars, and on arriving home found that my friend Hooper had been doing the same as a similar venture. On comparing invoices, we found we had a very fair assortment and including what I had in store of my original stock would justify us in opening a retail store which would give us employment during the approaching winter.

Having a very fair line of staple goods, we had a successful trade and realized fair returns for our investment. In the meantime, W. H. Hooper had invested between $12,000 and $15,000 in woolen machinery for the sake of encouraging home manufacture, and President Brigham Young proposed purchasing our interests in the cotton and woolen machinery, and to pay us in freighting

merchandise from the Missouri River the coming season. This arrangement was entered into, and in the spring of 1864 we proceeded to New York and other Eastern cities and purchased our goods, amounting to over $150,000 first cost, the freight on the same amounting to over $80,000.

Our goods arrived in due time in the fall, and we opened them in the store then known as the Livingston & Bell building, since known as the "Old Constitution Building." We had a very successful trade during the winter, and in the spring of 1865 W. H. Hooper sold out his interest to H. B. Clawson, and the firm was changed from Hooper & Eldredge to Eldredge & Clawson.

In the spring of 1865 H. B. Clawson went to New York to purchase goods for the firm and contracted with parties known at the time as the Butterfield Co. to freight our goods from the Missouri River to Salt Lake City. This company having inexperienced managers, and knowing but little about freighting over the plains, were late in starting, and the consequence was that the fall storms overtook them and much of their stock perished. Their trains were snowed in in the mountains and never reached here until the next spring. But our goods had to be paid for and were not received until twelve months after they were purchased; this very much embarrassed us, and the loss that we sustained by this delay could hardly be estimated. However, we were not discouraged, for in the spring of 1866 Mr. Clawson went east and purchased a fine stock of goods and effected a settlement with the Butterfield Co. for our freight the previous year.

During this season, we were more successful in getting our goods freighted, being fortunate enough to find responsible parties for freighters; but the following year, in 1867, we met with another misfortune. Mr. Clawson purchased a fine stock of goods and shipped the same to the care of the U. P. R. R. at Omaha to be forwarded to Julesburg, or the terminus of the U. P. R. R. A train with about twenty thousand dollars worth of our goods was attacked by Indians near Plum Creek on the Platte River, and burned, and the goods destroyed. On learning of this, Mr. Clawson returned to New York and duplicated the purchases. The loss of these goods, and the delay in getting the second purchase were great drawbacks to us. The managers of the U. P. road at that time refused to settle for our loss, and we were compelled to commence a suit against them and obtained a judgment for about $19,500. They took an appeal and seemed disposed to keep us out of our money for an indefinite time, but we finally settled with them for $16,500, and got our money in 1871—after waiting about four years.

Our second purchases arrived safe, but quite late in the season. During the season of 1868, we were more fortunate, and by a strict application to business succeeded in satisfying all our creditors. Notwithstanding our various reverses, no one ever lost a dollar by them except ourselves, we always paying principal and interest, and never asking a discount. Considerable business in merchandise was done here by men having no local interest, and liberal profits were made, and while they made their money here they would go elsewhere to spend it and do little or nothing to encourage or build up the Territory. It was therefore thought best to adopt a plan by which the profits of at least a portion of the business would be retained here and give the real settlers and cousumers some of the benefits. Hence "Zion's Co-operative Mercantile Institution" was organized in October, 1868, and in the spring of 1869 commenced business, and an opportunity was given for all who wished, to take stock in the Institution. Between four and five hundred persons availed themselves of this opportunity and thus became partners, as it were, and could purchase their own goods and share in the profits. Eldredge and Clawson sold out their stock of goods to the Institution, and I took twenty-five thousand dollars stock in the same to start on. I afterwards bought in and increased my stock to over sixty thousand dollars. I was elected one of the directors in the first organization, and have held the position ever sinne, except six months in 1872, during which time I was president of the Institution.

In June, 1869, W. H. Hooper, H. S. Eldredge and L. S. Hills opened a bank in a small adobe building under the name of Hooper, Eldredge & Co., with L. S. Hills, cashier, with a paid-up capital of $50,000. In 1870, we increased our capital and organized under the name of the "Bank of Deseret," and in 1872 we increased our capital to $200,000, and organized as the "Deseret National Bank," deposited the necessary bonds and issued $180,000 National Currency, with W. H. Hooper, President, myself Vice-President, and L. S. Hills, cashier.

In the fall of 1869, I made a trip to San Francisco, California, for business and pleasure combined. I spent a few weeks very pleasantly and profitably, and returned in December. On the morning of January 27th, 1870, I received notice that I was wanted to start for New York on the the 29th in the interest of Z. C. M. I.

Having accomplished my business in New York, I left on the evening of February 24th for the

West, and stopping over one day in Chicago, I arrived home on March 3d, having had a very pleasant and prosperous trip.

Our fortieth annual conference met on the 6th of April and adjourned until the 6th of May to meet in the new Tabernacle, which was being completed. At this conference I was called and set apart to take a mission to England to preside over the European mission. Accordingly I made preparations and started on the 13th of May, accompanied by my wife Chloe. There were about twenty-five missionaries accompanying us,

We arrived in New York on the 21st and stopped at the St. Nicholas hotel. We engaged passage on the steamer *Idaho*, which was to start on the 25th; this gave us little time to spend in New York. Mr. Costes, agent of the Williams & Guion line, presented me with a complimentary ticket for myself and wife, and according to appointment we left pier 36, North River, at 3 p. m. on the 25th. The first few days we experienced some sea-sickness, but it soon wore off and we had a pleasant and prosperous trip. We arrived in Liverpool on the 6th of June, 1870. We repaired to the Mormon office at 42 Islington. Brother Albert Carrington was absent at Bristol, but returned the next day. On our arrival, however, we found Elders John Jaques and A. W. Carlson, who received us very kindly. After looking around and resting a little, I was prepared to enter upon the duties assigned me, and in a few days Elder Carrington sailed for America, and left the responsibility of the office and mission upon me. But with the faithful labors of Elders Jaques and Carlson I got along very well. The former was assistant editor of the *Millenial Star*, and the latter was book-keeper and assistant in the emigration, both of which required a large amount of labor and attention. At intervals between the sailing of the vessels, I spent much time in visiting the principal cities in England, Scotland and Wales. I enjoyed myself very well during the summer season, but when the fall storms commenced, with the heavy fogs, I took a severe cold and it settled on my lungs. I suffered constantly with a cough that seemed to rack my whole system. I could get no relief, but it seemed to increase with every little exposure I was subjected to. After enduring it until about the middle of February, 1871, I resolved to try the Continent and the mild climate of Italy, and get relief if possible. Accordingly I left Liverpool February 21, 1871, accompanied by my wife. We stopped over night in London, and were joined for the trip by Elder Lorin Farr. On the 22d we crossed from Dover to Ostend, and from thence to Brussels in Belgium. We stopped at the Hotel de Europe. This being about the close of the Franco-Prussian war, we deemed it more prudent to postpone our visit to Paris until our return, when we anticipated that matters would be settled, peace restored, and that we could enjoy our visit better then than at this time, hence we concluded to go by the way of Brussels, Cologne and up the Valley of the Rhine.

Having escaped the fogs and smoke of old England, we concluded to remain a few days and look around, as we found Brussels to be a very interesting place, and General A. L. Chetland and his kind lady took great pains in showing us around and visiting with us the places of interest. On the 25th we proceeded to Cologne and were much interested with the immense Cathedral, said to be the largest in the world and has been two hundred years in the course of erection and not completed yet.

From thence we traveled by rail up the valley of the Rhine, as the river at this season of the year was not open to navigation. The scenery was beautiful and the old towers and castles and fortifications were very interesting, as we could catch a hasty glimpse of them as the train was hastily moving along. I have no doubt that views and scenery were much pleasanter as viewed from a steamer. We arrived at Basle and stopped for the night.

From thence to Berne, on the 27th. We were met at the depot by Brothers G. H. Snell and Edward Schoenfeld, at 2 P. M.

We remained one night in Berne, and left an appointment to meet with them in their conference on April 2d. G. H. Snell joined our company for a trip into Italy, and at 1:45 P. M., February 28th, we took the cars for Lucerne and stopped at hotel Du Lac. On the morning of the first of March we were aroused by the porter at 4 o'clock, to take the steamer up the Lake Lucerne to Fluellen, where we were to commence to ascend the Alps *via* the St. Gothard Pass. We had a very pleasant ride up the lake, but our ascent and descent over the Alps might be considered romantic, but not so pleasant to me as some other rides I have taken. However, by making several changes from diligences to sleighs, and from sleighs to one horse pungs and back again to diligences we dined at Andernort, a small hamlet in a little valley; here we commenced a more rapid ascent with one horse sleds and an Italian driver; at 3:30 we passed the summit of the Gothard Pass the snow-capped mountains still towering high on either side, and a fierce, cutting wind blowing through the gap. Here we changed horses and drivers, the latter being equally as anxious for gra-

tuities as those we left, but we found we had only commenced to realize the annoyance of Italian beggars. Our descent was rapid and sometimes perilous, as a misstep of a horse under full headway would have sent us down thousands of feet. There were fourteen sleds in the company, and the sled that carried our baggage was drawn by a refractory horse and upset several times, at one time rolling over horse, sled and all four or five times, but fortunately the road curved around and when the horse stopped rolling he was within a short distance of the track below him, hence we were only detained a short time. At 5:30 we arrived at Irolo, a small, filthy, Italian village, and dismissed our sleds and took diligence and arrived at Bellizona at 11 P. M. tired and hungry, and with but a poor prospect of satisfying our hunger except with Italian hard bread and wine, but having been traveling nearly twenty hours, rest and sleep were equally as desirable as the rough fare set before us, and we soon retired. On March 2d, we proceeded to Milan, a beautiful city in northern Italy. We visited the great cathedral and ascended to the top, which gave us a fine view of the city and surrounding country. This cathedral has over six thousand beautifully carved marble statuaries, besides a large amount of other beautifully carved marble ornaments, but time and space here will not allow me to follow the particulars of my diary, so we will pass on to Berona and from thence to Venice, where we spent several days very pleasantly. The Piazza, St. Mark's Cathedral, the Tower, the Palace of Days, the Prison, the Bridge of Sighs, etc., would all offer interesting items to write upon, as well as the romantic rides in the gondolas on the grand canal and bay, but we must hasten on, leaving the description of the gallery of fine arts and many other items of interest for others to contemplate. We will pass on through a beautiful level country to Bologna, from thence through a more romantic and mountainous country to Florence, visiting the galleries of fine art, the King's palace, the park, Zoological Gardens, etc. We then pass on to Rome through a mountainous and romantic country, many old towers, castles and ruins of former days, and arrive in Rome on the 9th of March at 8:10 P. M. and take rooms at Hotel De LMineve. We spent eight days and nights in Rome, and went from thence to Naples, and also to the ruins of Pompeii; there had been a very severe storm which prevented us from ascending Mt. Vesuvius. After spending a day amid the ruins of Pompeii, we returned to Naples. While going through the museum at Naples, we met General Tom Thumb and wife and Minnie Warren, they having passed through Salt Lake City a few months previous to our leaving, traveling west on a tour around the world.

We concluded to ascend Mt. Canaldoli, where we had a beautiful view of the Bay of Naples and the surrounding country from an old monastery. An old monk was very courteous to us.

The only way to reach it was by narrow paths and defiles only wide enough for a footman and a donkey. Our little donkey took us safe to the summit and back, a distance of six miles.

Among many other things that I noticed in Naples, was the peculiarity of the milk dealers. A man with ten or fifteen goats and a dog to assist him to drive, would pass from house to house and the man would clap his fingers to his mouth and give a shrill whistle; the dog would round the goats to, the servant girl would come to the door and hand the man a cup or measure, and he would step up to a goat and milk it full, receive his change and pass on to the next, and so on. It occurred to me that if a similar custom was adopted in our country with milk venders, people would know better what they were getting and could water it to suit themselves. At 1 P. M. March 21st, we left Naples and arrived in Rome that evening and remained until the next day, from thence to Leghorn and from Leghorn to Pisa, where we made another halt. Pisa is said to be one of the oldest cities in Italy, has about 50,000 inhabitants, has beautiful surroundings and many places of interest. We visited the cathedral, the baptismo, the Leaning Tower and *Carpo Sauto* or burial ground. There were fifty-three shiploads of earth brought from Mt. Calvary, in order that the dead might repose in holy ground. From Pisa we proceeded to Genoa *via* La Spezia, crossing the mountains by diligence. On our arrival in Genoa, we learned more particulars about the breaking out of the Communists in France; and calling on the U. S. Consul, Mr. Spencer, he advised us to return through Germany instead of France, as we had anticipated, as there seemed so be no safety in France. Consequently after spending a few days very pleasantly in Genoa, we turned our course and proceeded to Verona and spent a short time there very pleasantly; from Verona we went through Austria and Bavaria to Munich in Germany, then from Munich to Zuriet, and Berne in Switzerland, where we arrived at 5 P. M. March 29th.

On the 31st we went to Geneva and spent one day and night and returned to Berne to fill the appointment that I had made to meet with them in conference on April 2d. Accordingly we attended conference on Sunday the 2d of April, at 10 A. M., and at 2 and 6 P. M., and on Monday, the 3d, we took our leave of G. H. Snell, E. Schoenfeld and C. W. West, and started for Copenhagen in Denmark, stopping one day and night at Frankfort-on-the-Main; from there to Hamburg,

and on the morning of the 7th we left Keil by steamer for Corsor, and were met on landing by W. W. Cluff, who accompanied us to Copenhagen

On the 9th, according to appointment, we attended conference, commencing at 10 A. M. and 2 and 8 P. M. Monday 10th, attended meeting at 10:30, and at 2. P. M. attended the Sunday school examination, which was very interesting and gratifying to see the improvement made by the children under the superintendence and instruction of Elder W. W. Cluff.

On the 11th we visited the Rosenberg Palace, the deposit of the relics of the Kings of Denmark. The wealth of the wardrobes and various articles and ornaments and armory was astonishing, as well as the paintings and tapestry. We were shown a saddle which belonged to Christian IV. of the 16th Century, which, with the ornaments, cost £30,000.

April 15th went to Malma in Sweden, and on the 16th attended meeting; on the 17th returned to Copenhagen. The weather was cold and I suffered much with a cough; having enjoyed a very pleasant time in Copenhagen, we left on the 20th, and stopped a day or two at Hamburg, and a gentleman by the name of Bolin, paid us much attention and added much to the pleasure of our visit. On the 23d we left Hamburg for Liverpool, *via* Cologne, Ostend, Dover, and London; arrived in Liverpool on the 25th, having been absent two months and five days. I remained in Liverpool until the 5th of May, making arrangements for the emigration for the season. Succeeded in making satisfactory arrangements with Mr. Ramsden, to take our continental passengers from Copenhagen and other ports to New York *via* Hull and Liverpool.

May 5th went to Port Maddock in North Wales, to inspect the narrow gauge railroad and rolling stock of the same. May 6th took a ride from Port Maddock up into the mountains about 13 miles on the narrow gauge road, it being 23½ inches wide. Was pleased with the working of the road; it was said to be one of the best paying roads in the British Isles. On my return to Liverpool called at Carmarthen and took a walk around the Castle of Carmarthen where the first Prince of Wales was born.

May 13th left Liverpool for Glasgow to attend Conference. Held three meetings on the 14th, a number of American Elders being present.

May 15th went to Loch Lomond for a pleasure trip, called at the Castle of Dunfermline and ascended to the top, had a pleasant ride on the lake and returned to Glasgow.

May 16th left Glasgow for Edinburgh, visited many places of interest, among which was the Old Castle, Holyrood Palace, Scott's Monument, etc., and returned to Liverpool.

May 20th I went to Newcastle-upon-Tyne to attend a conference, was met at the station by several American Elders and they accompanied me to Shields, where the conference was to be held.

Sunday, 21st, held three meetings; 22d, called a counsel to settle some business or difficulties that seemed to exist, which was amicably arranged and I returned to Liverpool. Elder Albert Carrington and several other Elders having arrived during my absence, we proceeded to assign them to their fields of labor.

May 27th, I went to Bradford to attend a conference. Sunday 28th, attended three meetings. Monday 29th, returned to Liverpool. June 3d, went to London to attend conference, and on the 4th held three meetings. June 5th, visited Hampton Court. Tuesday 7th, returned to Liverpool.

As Elder Carrington had been sent to release me, I commenced preparing to return to my mountain home. On Sunday, June 11th, I attended meeting in Liverpool for the last time, Elder George Reynolds occupying part of the time and myself the balance. On Wednesday 14th, we took passage on the steamship *Nevada* for New York. Mr. G. Ramsden, the agent of the Williams & Guion line, welcomed my wife and I on board, giving us the first choice of staterooms. We had a very pleasant and prosperous trip, our genial Captain Green taking great pains to make things pleasant and agreeable; myself and wife were not seasick after we left Queenstown, but some of the passengers were not so fortunate for the sea was quite rough much of the way; had no severe storm, but headwinds. We arrived in New York the 27th, and remained for several days, then proceeded on our way home to Utah, where we arrived on the 6th of July, 1871, having been absent about fourteen months. We were much pleased to again enjoy our mountain home and the society of friends.

In June, 1872, I made another trip to San Francisco. In January, 1873, I was called upon to go to New York in the interest of Z. C. M. I. I left home in company with Hon. W. H. Hooper and Alexander Majors, Esq., the former gentleman returning to Washington as Delegate, and the latter on business of his own.

I returned in the early part of March, having been detained some time on account of the blockade of snow on the Union Pacific Railroad.

In April, 1872, I was elected President of Z. C. M. I., and resigned the following October, at which time W. H. Hooper was elected superintendent and took charge of the Institution November 1st. During the Summer and Fall of 1873, a general panic seemed to sweep over the land and affect more or less the commercial interests of the whole nation. Our Territory was not exempt from the effect of the same, and in November I was called upon to go again to the Eastern Cities in the interest of Z. C. M. I., visiting St. Louis, Chicago, Philadelphia, New York and Boston, and returned December 25th.

My health being very poor, and suffering from a severe cold that seized upon me while traveling, I was under the necessity of remaining very quiet at home for some time.

In the early part of February, W. H. Hooper, Supt., requested me to go East and assist in purchasing goods for the Spring trade. Consequently, I left on the 10th for New York accompanied by O. S. Clawson. We were quite successful in making our purchases, and on the arrival of Joseph F. Smith and Wm. Sadler in New York, I concluded to visit Hon. Geo. Q. Cannon at Washington, and left with them on the 6th of March for the Capitol. After having a very pleasant visit with Mr. Cannon, we returned to New York, and after laboring with O. S. Clawson very attentively for several days, purchasing and filling orders received from Supt. Hooper, we went to Philadelphia and purchased several bills of shoes and obtained samples, etc., and returned to New York. On April 10th, I received a telegram from W. H. Hooper intimating for me to return home, and I immediately closed my business and at 8 p. m., left for the West and arrived on the 17th, glad to once more enjoy a rest at my own home.

I now anticipated a little rest from the cares and responsibilities of public business, and had resolved not to take upon myself any further cares than those of one of the Directors of the Institution and Vice-President of the Deseret National Bank. I remained in this quiet way until October, 1876, when I was solicited to take charge of the Institution and was elected Superintendent; and on the 1st of Nov. entered upon the duties thereof. Although at the time, I had no idea that I should continue over twelve months, I remained in charge of the Institution four years and three months, or until February 1st, 1881, when I retired, my resignation being accepted and Hon. Wm. Jennings succeeded me as Supt. During this time I made some improvements. In the Spring of 1879, the Directors authorized me to build an addition to the store in Salt Lake City, which was completed I believe to the satisfaction of all concerned—the addition being fifty by one hundred and fifty feet. In the Spring of 1880, the Directors authorized me to build a suitable building at Ogden for our business which was also satisfactorily completed. It is one hundred by one hundred and fifteen feet, three stories high exclusive of the basement, and contains a respectable banking house and office.

I felt that the cares and responsibilities of the position were wearing upon me, and the duty that I owed to myself and family prompting me to tender my resignation, January 20, 1881, I retired with kind feelings towards all, leaving the Institution in a prosperous and healthy condition. I hope it may continue in the same, and be a source of increased prosperity and profit to the Stockholders and a blessing to all the sons and daughters of Zion.

Since the above was written, Gen. H. S. Eldredge was again appointed superintendent of the Institution, namely on June 2d, 1883, which responsible office he holds to the present time, and in January, 1886, after the demise of Hon. W. Jennings, he was elected vice-president, which honorable position he continues to fill with satisfaction to the stockholders, the institution's patrons, and public at large. The General is also one of, if not the oldest director of Z. C. M. I. now living.

## WILLIAM JENNINGS.

In the personal illustration of the commercial history of Utah, we will now biographically sketch the Hon. William Jennings, in whose Eagle Emporium Z. C. M. I. opened its career.

Certainly one of the most marked of the commercial men of Utah was William Jennings. He was the son of Isaac Jennings and Jane Thornton, and was born at Yardley, near Birmingham, Worcestershire, England, September 13th, 1823. His father was a wealthy butcher of Yardley, and he is also of good family stock. Some years ago, the elder Jennings was one of the claimants in the famous Jennings chancery suit for the immense sum of several million pounds sterling; he proved himself a lawful claimant to the estate—hence connected with numerous aristocratic families who were also claimants; but the great Jennings property was never allowed to pass out of chancery; so William Jennings comes not from an impecunious family but one in which money inheres. As the son of the thrifty opulent butcher of Yardley, it can be also readily comprehended that the Utah merchant prince was familiar with the uses and advantages of money in his early youth. At the same time, he was strictly trained to the necessary economy and industry of successful business; and this early training stood him in good service in his after life when he became possessed with the resources of a millionaire.

At the age of seven, a disaster befell young Jennings, which was the cause of scholastic deficiency, and he believes it indirectly led to his leaving home in his early manhood for America. At the age named, he broke his thigh bone and for fifteen months thereafter he was on crutches. He was also naturally of a fine temperament and a delicate constitution, so that it was difficult for his parents to rear him. He was treated as a tender branch of the family tree, and allowed to have his own way, and it was his pleasure to leave school when he was eleven years of age, up to which time his accident and delicate health unfitted him for scholastic studies. The rest of his father's children —five brothers and five sisters—went to boarding-school and received a solid English education. This scholastic deficiency Mr. Jennings has keenly felt, and he has sought to compensate for it in his patronage to artists and art, in his cultivation of the beautiful around his grounds and home, and in giving substantial education to his sons and accomplishments to his daughters.

But his disinclination of youth for the hard dry studies of the school-room found an earlier compensation in his love for business. In the healthy exercises of a country life, and in the purchase of stock for his father in the cattle markets and of the farmers around, he both improved his constitution and acquired the sagacious habits of trade for which Nature had so abundantly fitted him. The following characteristic story of William Jennings' boyhood will illustrate this natural capacity as well as his father's confidence in his excellent business judgment.

On this occasion, when he was fourteen years old, his father sent him to Coalsell market to buy cattle. Having carefully looked around, the boy selected a prime lot of about half a dozen head, and in the true off-hand style of trade, asked the owner what he would take for his cattle. The farmer, amused with the boy, in a spirit of banter set a very low market price upon them. "I will take them," said the boy; and the farmer, to keep up the joke, he confessed when too late, concluded the sale, whereupon young Jennings slipped out his scissors, quickly cut the Jennings' mark on each of the beasts and paid down the purchase money. By this time, the joking farmer discovered that he had also sold himself; and with considerable bluster he sought to retreat from his bargain, but young Jennings appealed to the circle of farmers around who had witnessed the sale and they maintained him in the fairness of the purchase. Reluctantly the farmer gave up the discussion and the youth drove the cattle into "Jennings' herd." Every one who knows our successful Utah merchant, will at once recognize the man in that plucky, sagacious boy trader of Yardley.

In the year 1847, William Jennings emigrated to America. As he was not a Mormon at the time, we may reasonably seek the inspiring cause. The accident of his youth as already noticed, had indirectly led to this event, which gave thereafter the whole shaping of his life. Having been permitted by his parents and elder brother to have so much of his own way in his youth, his self-reliance and great natural ambition inclined him, in early manhood, to seek a broader field than his native place afforded for his energies and enterprises. In fact, at the age of twenty-four, he

felt capable of making his mark in the world in his own line—which was that of commerce—and his subsequent career has shown that he did possess the genuine impulse which inspires all self-made men at about that age. It will be remembered by those familiar with the emigrational history between England and America, that from about 1837 to 1850, throughout all the towns and cities of Great Britain, there was an agitation and a talk among such youths as William Jennings—bold self-reliant spirits—relative to the subject of emigration to America. The migratory impulse was, and still is, the very impulse of the age. It has peopled the New World and has given to it fresh vitality in our own times. This impulse of the age possessed William Jennings in his young manhood without his having any connection with the Mormon people or there being any ordinary necessity for him to leave home to seek his fortunes. His desire was to come to America. His parents and brothers gave to his purpose no cordial approbation; but with the true spirit which we all recognize as belonging to your self-made men, he set out for the New World without his "family portion" and landed in New York early in October of 1847.

On his arrival in America, young Jennings had but little means; yet he was courageous with his primitive resolution to make his mark in the world. The non-approbation of his family concerning his emigration to this country, at once piqued his personal esteem and his self-reliance; and he made up his mind to prove to his family that he could succeed in life by his own native energies. At the onset of his career in America, he set the space of seven years before he would again see the face of his parents. It was nineteen years, however, before their meeting came; and when at length they met, though all his family in England had risen to social independence, the successful merchant prince of Utah had overtopped them all in wealth. But we must return to the early part of his career.

On his arrival in New York, after looking around a few weeks, he engaged for the winter with a Mr. Taylor of Manchester, England, a pork packer, at a wage of six dollars per week. The next year he crossed the Alleghany mountains, by the way of Cumberland and Wheeling, to Cincinnati, thence to Chillicothe, Ohio. During that year he was robbed of between four and five hundred dollars, leaving him absolutely destitute. Being in this reduced condition, he next engaged as a journeyman butcher at a small salary.

Leaving Ohio in March, 1849, he went to St. Louis, but finding that place unsuited to his purpose he left in April for St. Joseph, where he engaged to work for one Carby, to trim bacon; but afterwards went to the butchering again. In the fall of the same year he was seized with cholera, which prostrated him four weeks, at the expiration of which time he found himself penniless, and two hundred dollars in debt.

Although broken down by sickness and robbed of his money, his grit, backed by strong commercial ambitions, was unconquerable, and he set to work again to renew his fortunes. This native courage and industry, coupled with his general good conduct, brought to his assistance a benevolent Roman Catholic Priest whose name was Scanlan. Prompted by his sympathies for the young emigrant just convalescent and re-engaging in the struggle of life, and having faith in his strict business honesty, the worthy Priest loaned William Jennings $50. With this money he made his really successful start in life; for hitherto, as we have seen, it had been for him hard work at low wages varied by the losses of his savings by robbery and sickness. But his business career had now commenced. With this little capital he set to work, sagaciously turned every dollar to good account and relieved himself of all his liabilities. Thus with the lucky fifty dollar loan of a benevolent priest, William Jennings laid the foundation upon which he has since amassed an immense fortune, ranking him to day among the millionaires of America. To his honor be it said that he ever remembers, in the reminiscences of his life, to speak with gratitude of "Father Scanlan," ascribing to him the beginning of his fortune and success.

In the year 1851, and while in St. Joseph, William Jennings married Miss Jane Walker, a Mormon emigrant girl. This was the beginning of his relations with the Mormon people whom he did not, however, join in church membership at that date; but this marriage, and the providence of his life, soon thereafter led him to Utah, where he was destined to become one of the chief founders of the commerce of the West. In the spring of 1852 they left St. Joseph *en route* for Utah and arrived in Salt Lake City early in the fall. Having an eye to commercial business before he left St. Joseph, Mr. Jennings invested all his means in a stock of groceries and brought across the plains three wagons loaded with this class of merchandise from which he realized a handsome profit in Salt Lake City. Shortly after his arrival, he joined the Mormon Church and became fairly identified with the social and religious interests of the community. At that date, Utah stood in great need of such men as Jennings, Hooper, Eldredge, the Walkers, Godbe and Lawrence; and, as ob-

served in the opening chapter, it was at this time that such a class of men began the work out of which has grown the business and commerce of our Territory.

But the earlier activities of Mr. Jennings were engaged in the Butchery business, and in the establishment of several branches of manufacture naturally connected therewith. In the spring of 1855, he added to his butchery business,—which he established on his arrival in Salt Lake,—a tannery, which in turn gave him supplies for saddle and harness making and his boot and shoe manufactory. This line of business was as grand a success for the country as it was remunerative to himself.

In 1856, William Jennings was called on a mission to Carson Valley. It was the policy of the Church at about this period to send out men of his class to found new Territories which, however, at that time meant the extension of Utah. Thus Nevada was founded by the Mormons, and Carson was the point for the mission of these business and commercial men. William Nixon was also sent to Carson Valley, and with him went Mr. "Rob" Walker as his wagon master, carrying with him a small train of merchandise. On his part, Mr. Jennings started butchery in connection with his mission, supplying the mining camps in that region with meat. He also cut logs from the surrounding mountains, with which he built a substantial house. Having remained sixteen months in Carson Valley, in the spring of '57 he returned to Salt Lake. This was the period of the "Utah war." When he arrived home he found the people much excited over the Buchanan expedition. But in spite of the fact that Johnson's army was marching on Utah, for the avowed purpose of "wiping out" the Mormons, he set to work and built a large butcher shop, at a cost of $1,000, on the site where the Eagle Emporium now stands. Perhaps no example more striking in his career could be noted to show William Jennings' sagacity and foresight. Evidently he did not believe in Utah being turned into a desolation either by a United States army or the command of Brigham Young. Indeed, in building up the commercial corner on which he has since raised his colossal Emporium, he was very much forecasting the policy of Brigham Young and the real direction of coming events. In the Spring of '58, however, he joined in the general exodus of the Saints, and took his family and household effects to Provo; but continued his business in Salt Lake City.

After the return of the Saints to their homes, Mr. Jennings purchased, in 1860, some $40,000 worth of dry goods of Mr. Solomon Young, and started in the mercantile business. From this date he became the leading Utah merchant; and his example and gigantic enterprize did much to inaugurate a new era in our Utah commerce. In fact, the mercantile ambition of William Jennings became now well defined. He was aiming to make himself one of the great merchants of the West.

The following year he was engaged in supplying telegraph poles for the line between Salt Lake and Ruby Valley. The same year he went to San Francisco to purchase merchandise, traveling to Sacramento, a distance of 800 miles, by stage.

In the year 1863, in conjunction with his merchandising, he carried on a banking and broker's business. In fact, he was the first of Salt Lake's merchants to buy and ship Montana gold dust. He was also owner of the first steam flouring mill in Utah.

In 1864 he built the Eagle Emporium, a large and substantial stone building, in which he done a business amounting to $2,000,000 per annum,—thus making himself the leading merchant of the western country.

During the year 1869, he assisted in organizing the Utah Central Railroad Company, himself becoming its Vice-President, and remaining as such until the time of his death. He also took part in organizing the Utah Southern Railroad, and succeeded President Brigham Young as its President. At a later period he became one of the founders and directors of the Deseret National Bank.

He was elected a member of the Territorial Legislature under Governor Doty's administration, who also gave him his commission as lieutenant-colonel of the Nauvoo Legion of the militia of Utah.

Mr. Jennings being a strong believer in the principle of self-insurance, adopted this method of protecting himself against losses at an early period after his business transactions in Utah warranted such protection, using cattle as a basis. The amount he would have to pay insurance companies as a premium, he invested annually in cattle, until the income from this source netted him $10,000 per annum; this he invested in railroad stock until his insurance amounted to the enormous sum of $100,000, and his herd to nearly 3,000 head. He was an owner in Utah railroads to the amount of about $400,000, and was a *bona fide* millionaire.

William Jennings' commercial career was marked with as many salient points as that of the Walkers, and he has been quite as prominent a figure in history. On the Church side, he occupied

a corresponding position to that of the Walker Brothers on the Gentile side. In their relations to Utah, among its founders, they are equally from the Mormon people; but, while the latter threw all their weight into a commercial warfare against the church and its co-operative movements, the former directed all his money, potency and enterprise towards its commercial supremacy.

Jennings was in business long before the Walker Brothers, but chiefly in the home-manufacturing line, in connection with his extensive stock dealing and butchering. As the great home-manufacturer of Utah, he filled a sphere of usefulness to the community, not only in starting several branches of home industry, upon which the very life and prosperity of the communities depend, and also thus emphasizing the home policy of the Mormon leaders. In this, Jennings has been the exception to all the other merchants, both Mormon and Gentile, particularly when speaking of the earlier times. Until the opening of the mines, he alone was the merchant-apostle of home-industries, and even then, true to his precedents, he became a railroad builder with Brigham Young, and moved with sagacity towards the development of the solider resources and capacities of the Territory.

Thus William Jennings rose above the mere home-manufacturer to the merchant, the banker and the railroad director. His great hit as a merchant was in 1864, the year in which he built his "Eagle Emporium;" he bought early in that year a large amount of goods in San Francisco, $500,000 in New York and St. Louis, besides $100,000 of Farr & Co., and several smaller lots of goods in Salt Lake City in the same year. Major Barnes had brought to Salt Lake City a mammoth train of goods, worth a quarter of a million dollars, at a wholesale bargain, which he desired to sell to *one* house. Jennings was the only one who could dare the venture at that period, and this he did against the earnest protest of his business managers, who feared so great a risk. He purchased the quarter of a million's worth, and "came to time" handsomely. It was the luckiest hit of his life, for, independent of large profits, it raised him at once among the great merchants of America, and enhanced the commercial standing of Utah herself. He said this was his chief object in purchasing that train of goods, rather than the temptation of a bargain. From that time Jennings was the merchant prince of Utah, and he held the sceptre until he resigned it to Brigham Young, as president of "Zion's Co-operative Mercantile Institution."

Undoubtedly Mr. Jennings' greatest service to the Mormon people, and especially his value to President Young, was in the establishment of that famous institution. This is more apparent from the fact that the President had to force it in the face of a commercial rebellion. The great merchant was of more service to him at that moment than a quorum of Elders.

Mr. Jennings was a lover of home magnificence. To his examples Salt Lake City owes greatly its fine solid appearance of to-day. With his Eagle Emporium he commenced the colossal improvements on Main Street, in which he was followed by William S. Godbe and the Walker Brothers. His home is quite palatial, and, during the last five years, many of our most distinguished visitors, including General Grant, have partaken of his hospitality.

The following is culled from our article on the "Beautiful Homes of our City."

The first mansion reared in Utah that could fairly claim the initial place under the classification of the "beautiful homes of our city" was, undoubtedly, that of William C. Staines, Esq., which has since been transformed into the princely residence of the Hon. William Jennings. The grounds originally consisted of two very fine garden lots, of an acre and a quarter each, so that the ample grounds with their delightful cottage, made quite a mark in the growth of the city. Mr. Staines was an English gentleman of considerable natural refinement, and love of culture. Home, to his chaste and artistic mind, was a thing of beauty; and horticulture being his profession his gardens were soon distinguished as the ornament of the locality near Temple block. The first flowers for the market were grown in his garden; and his orchard was a rare one and under high culture. Deviating somewhat from the strict plan of the city, which was that every house should be erected in the centre of the lot, but only twenty feet from the front, Mr. Staines built his neat mansion near the centre of the grounds, on the spot where now stands the Devereux house, and set out in front the finest part of his orchard, consisting of the choicest fruit trees of every kind.

About the year 1865, Mr. Staines sold his home to the late Joseph A. Young, eldest son of President Young, for $20,000; Mr. Young also purchased the corner lot of the block, thus enlarging the grounds to three lots. In 1867, Mr. Jennings purchased the home and gardens of Joseph A. for $30,000. He afterwards bought out the Cooper property for $3,000; the Tripp property for $3,000; another part of the block of Brigham Young for $3,000; and Omar Duncan's lot for $6,000. The grounds now aggregated over five full city lots, being more than half the block and the entire frontage of the block on South Temple Street. After the purchase of the property by Mr. Jennings,

it changed from its distinctive character of gardens to ornamental grounds of a palatial residence; while by the addition of the adjacent lots it lost nothing of its former garden importance. The area in front of the mansion was cleared of the fruit trees and transformed into ornamental grounds with iron gates at the entrance and broad carriage ways sweeping up to the mansion, giving to the place quite an aristocratic appearance. The magnificent piece of property now consists of the mansion, ornamental grounds, the finest kitchen garden in the Territory, besides grapery, hothouses, thoroughly appointed stable, and carriage house as seen in the picture of Devereux House.

Here, after this property came into the possession of Mr. Jennings, a meeting was brought about by the tact of the merchant citizen between President Young and a personage of far greater national importance than Governor Cumming. That personage was Secretary Seward. The visit of this famous statesman to our city, after surviving the tragedy which put our nation in mourning will doubtless be remembered by many of our citizens, as also the very favorable impression which was made upon the Secretary's mind by the opportune visit. Not unlikely, that visit for a period counteracted some of the pernicious effects of the Colfax visit at an earlier date; and something of the pleasurable tone of Seward's experience in the "City of the Saints" was due to the sagacious management of Mr. Jennings.

The Secretary dined at the house of the munificent merchant. Brigham, at the time, was away from home on a visit to the settlements; but Seward expressing a desire to meet the founder of Utah, Mr. Jennings invited the statesman to dinner again on Saturday, this being Thursday, promising the presence of Brigham Young. Seward was pleased with the arrangement, and the appointment was made for a private dinner and a cosy interview between the two great men. Mr. Jennings thereupon telegraphed to President Young and was answered by him that he accepted the appointment to dine with Mr. Seward at Jennings' house. The Saturday came; the famous personages met and dined and drank wine together. Mr. Jennings, on all notable occasions, cultivated the style of the English table, especially that prolonged intercourse of guests, so pleasing both to the genial nature of the gentleman of society and to the luscious self-love of the epicure; so that the founder of Utah and the illustrious American statesman could have met nowhere to better advantage for rehearsal of national reminiscences and the exchange of personal courtesies than at the epicurean table of William Jennings. Brigham Young, too, had infinite tact in conversation. He was not the man to play the august priest and oracle to a Seward. He was simply an historical American, meeting one not more historical than himself; and Seward was quite conscious that Brigham Young was his equal. National affairs rather than the "Mormon problem" formed the topic of conversation. Brigham sustained the conversation of several hours with his marvellous natural sagacity, ever and anon putting in his wise appreciative views of national policy, which at length he climaxed with a fine compliment to Seward. Drawing back from the table, he enquired, admiringly:

"Mr. Seward, how is it possible that you can carry the multitudinous affairs of this vast republic so perfectly and connectedly in your head?"

"Mr. Young," replied the statesman, "my life training has made me as much at home in the complex affairs of the nation as you are as the religious leader of a people!"

Secretary Seward afterwards visited President Young at his office; but the interview at the house of Mr. Jennings was the marked historical meeting between these two famous personages.

A few years afterwards, General Phil. Sheridan and staff come to Utah to plant another military post in our Territory. At the time, it was apprehended by the Government that the Mormons would resist the rigorous measures which were then contemplated. President Grant, prompted by Vice-President Colfax, had resolved to end forever the dominance of the Mormon authorities over this Territory.

Probably President Grant, himself, at the time, desired to place our Territory under a semi-military rule; it is certain that Governor Shaffer directed all his movements to that end. But Phil. Sheridan was not insensible to the social influence of the Mormon people. Like General Sherman afterwards, he stole away from the anti-Mormon circle, which fain had captured him, to enjoy an hour's social intercourse in the elegant home of Mr. Jennings. Here, though our merchant citizen had been a polygamist, the General met nothing suggestive of the necessity of harsh measures to be applied to Mormon society Here was a home of refinement and wealth, with an estimable lady presiding over it who had united two branches of her husband's family together as her own. General Sheridan was susceptible to this home influence. Mormon society, after all, was not barbaric. The people had made the wilderness blossom as the rose; but this was not the whole, nor the most promising to the eye of an intelligent visitor. Here, in a Jennings and a Hooper, the one a native American, the other English, Sheridan saw growing up, representative of the Mormons,

wealthy society men who belonged naturally to the commercial progressive class rather than to the hierarchal orders; and it is a social axiom, held by practical men of the world as well as by Statesmen, that the class who represent wealth and social independence are the best hostages of civilization. President Grant had positively instructed Sheridan to take counsel with Mr. Godbe and his friends, so the General himself stated, and now, when reconnoitering on our social basework, he saw other strong independent men, who, while remaining inside the pale of the Church, were, in their social potency, outside of all priestly dominance. With such a view, General Sheridan honored William Jennings, and it is a similar appreciation which has led so many illustrious personages in latter years to visit the homes of Hooper and Jennings, even when they have not so condescended to the President of the Church; nor is it too much to say that those visits have brought Mormon society into better repute both in America and Europe.

On the visit of President Grant to our city, Devereux House was again honored. The Presidential party remained in Salt Lake City but a day and a half. The president and his wife gave audience at the Walker House to ladies and gentlemen of the city, but excepting a call upon a relative, the only home he visited in this city was that of William Jennings.

On their way to the train, the President and his party drove up to Devereux House and alighted Here they tarried for nearly an hour. The President drank wine with the wealthy Mormon merchant and encouraged a cordial social spirit which he could not have done in the home of a Mormon apostle—at least he would not have done so, which was significantly exemplified in the meeting between him and President Young.

Mr. Jennings and his daughters, Jane and Priscilla, when in Washington, returned the visit and were received with particular consideration by the President and his wife. When they were leaving, Mrs. Grant sent a bouquet down to the coach to the young ladies. Their father got the bouquet preserved at Philadelphia, and it is still treasured in Devereux House as a souvenir of the exchange of visits between President Grant and wife and the Jennings family.

Mr. William S. Godbe was at an earlier date received in like manner by President Grant. Such examples afford proof of the fact that though anti-Mormon delegations sent to Washington may be encouragingly patted on the back by members of Congress, yet after all these representative society-men, who have come up from the Mormon people, are esteemed as the best guarantee that Utah and the United States will by and by come into family harmony.

A similar view may be taken of a more recent visit of General Sherman in the Hayes party. It will be remembered that two committees offered to do the honors to President Hayes on his visit to our city. The one was that of the City Council; the other that headed by Governor Murray. The latter was accepted; but President Taylor, with a select party, also went to Ogden by special train to receive President Hayes. On their way to the city General Sherman enquired for his "friend Jennings," whom he presently met with much warmth of manner, and soon the two were in cosy conversation. During the journey, some disparaging remarks were made about the Mormons by the Governor's party, which General Sherman rebuked.

"You must not attempt to tell me anything against this people," he said, "I know all about them."

And then the General expatiated upon what the Mormons had done in the West, and of their great service to the nation. Their religion aside, this is the proper view of the people; and no man could speak with better point on the question than General Sherman, one of the founders of California.

The Presidential party were scarcely two hours in the city when General Sherman with ladies stole away to visit the home of his "friend Jennings." Mrs. Hayes afterwards expressed her regrets to Mrs. Jennings that she was not one of the party; for the ladies had spoken to her enthusiastically of their visit to Devereux House

Many distinguished persons from abroad have also honored Devereux House with their presence. The Japanese Embassy came down and drank wine with the merchant prince. The wife of Sir John Franklin was several times entertained by Mrs Jennings. Lady Franklin expressed great delight in finding a home in Utah so like the elegant homes of her native England. She was charmed with the English style of the family and especially interested in Mrs. Jennings and her daughters. During her stay, the merchant citizen took Lady Franklin to the Lake and other places of local note.

Among the many distinguished visitors may be named Lord Dufferin, Governor of Canada and his Countess; but enough has been said of the historical memories of Devereux House, illustrating the rare social influence which these beautiful homes of our city exercise over the minds of visitors

who are equally conscious as our own people that not long since this spot where now is found the Zion of the Mormons was marked on the map as a part of the American Desert!

William Jennings was elected Mayor of Salt Lake City in 1882, and his administration gave general satisfaction. Undoubtedly he would have been returned a second term as Mayor, but for the constrained interpretation put upon the Edmunds' Bill, for he was legally eligible to the office. The general record of his public life and of his connections with the commerce of the entire Territory, the building and management of our local railroads will be found interspersed in the foregoing chapters of this history. He died January 15, 1886, and his memory was honored by the citizens generally.

T. G. Webber and J. R. Winder, a committee appointed by the directors of Zion's Co-operative Mercantile Institution at their meeting on January 16th, 1886, to draft resolutions of respect to the late Hon. William Jennings, Vice-President of the Institution, made their report, which was accepted and adopted, as follows:

*Preamble and Resolutions of respect to the late Honorable William Jennings, Vice-President of Z. C. M. I.*

*Whereas:* On Friday, the 15th day of January, 1886, it pleased the Almighty Creator and Father of all to remove from our midst, by the hand of death, Hon. William Jennings, Vice-President of this Institution; and

*Whereas*, He was closely connected with this Institution from its inception, having been appointed a director in the winter of 1868, holding that position continuously till November, 1873, when he was elected Vice-President, an office he retained until his demise; he also held the office of Superintendent from 1881 till 1883; and,

*Whereas*, In all these important positions he has manifested a deep interest in the welfare of Zion's Co-operative Mercantile Institution, which is largely indebted for success and prosperity to his capable efforts, his judgment in all commercial matters being necessarily—owing to his unusual experience and ability—of great value; and

*Whereas*, While bowing submissively to the decree of an Allwise Providence, we have a keen sense of the loss that Zion's Co-operative Mercantile Institution has sustained by the death of so energetic and able a supporter as Hon. William Jennings. It was not alone in a business capacity that we prized him, but also in the closer bond of personal friendship, as he was endeared to us by his many noble traits of character, general kindness of heart and lavish hospitality being among the amiable qualities of his nature; nor are we alone in placing a high estimate upon the value of our late departed friend and brother, the community having lost the presence in their midst of one who has acquitted himself honorably and efficiently in the public service, as a member of the Territorial Legislature, as Mayor of Salt Lake City and in many other prominent positions; therefore be it

*Resolved*, As the sense of the officers and directors of Zion's Co-operative Mercantile Institution, that in the death of Hon. William Jennings we have not only been deprived of the services of an honorable, energetic and capable business man, but association with a loved and esteemed brother, and properly considering ourselves as among his intimate, personal friends, and viewing his many excellent qualities of head and heart with admiration, we not only hold his memory in the highest degree of respect, but accord to him a foremost place in our affections; also

*Resolved*, That our heartfelt sympathy be tendered to the bereaved family who, in the departure from this life of a loving husband and affectionate father, have suffered an irreparable loss; also

*Resolved*, That the above preamble and resolutions be spread upon the minutes of this board meeting in full, and that a copy thereof be engrossed and presented to the family of our late esteemed associate and friend.

## WILLIAM H. HOOPER.

The late Honorable William Henry Hooper was the son of Henry Hooper and Mary Noel Price. He was born at the old homestead known as Warwick Manor, Dorchester County, Eastern Shore of Maryland, December 25th, 1813.

His father, who died when the subject of our sketch was but three years of age, was of English descent; while his mother, as her name would indicate, was of Scotch extraction. He attended country school for about a year and a half, this being all the schooling he ever received in his youth.

At the age of fourteen he went into a store as a clerk with a man named Brambel, up to which time he had lived at home with his widowed mother, helping on the farm as best he could.

Two years later he entered the employ of a Mr. Parrott, a merchant at Newmarket, E. S., with whom he remained twelve months, until his employer removed to the West.

Being again out of a situation, he went to Baltimore, where he engaged in his former business; but his health failing him, he returned to his native place, Eastern Shore, with a small stock of goods —furnished him by his employer. On arriving at home, he took charge of his mother and two sisters, the younger of whom is still alive.

In connection with his business thus established, he, at the age of nineteen succeeded in building a coasting schooner which he christened the ***Benjamin D. Jackson.*** About this time much interest was being manifested in the West, Illinois being the extreme western frontier; and in 1832, W. H. Hooper, selling his vessel and other effects, paid a visit to St. Louis, intending to go to the lead mines, at Galena, Illinois. The prevalence there of cholera, however, prevented him from carrying out his project and he wintered in St. Louis, then a city of but 6,000 inhabitants.

Early in the spring of 1833, he returned to Maryland, and again took a clerkship in Baltimore. During the same season he made a trip up the Potomac to Washington, being a guest of Thomas H. Hicks, who subsequently became governor and died a senator.

While in Washington he, in company with Mr. Hicks, attended the exciting discussions then going on at the Capitol on the currency question during President Jackson's administration. He was in the Senate gallery when Jackson sent his memorable message to that honorable body protesting against their action looking to his impeachment.

In 1835 his eldest sister and her husband died, leaving two daughters, aged respectively two and four years, who came under his charge.

In the fall of the same year he, in company with George Wann, took a stock of goods to Galena, Illinois, where they started business under the firm name of Hooper & Wann. In 1836 Mr. Wann returned to his native State, selling out his interest to Charles Peck and Samuel H. Scales, the house now becoming Hooper, Peck & Scales, afterwards well known upon the frontiers as merchants, miners and smelters, as well as being considerably concerned in the steamboat interest.

It was during the year 1836 that Hooper married his first wife, Miss Electa Jane Harris, by whom he had two daughters, both of whom are now dead, as also is their mother, who died in 1844. His youngest daughter, May Dacre, died in 1855, near Galena; the eldest, Wilhelmina, died in 1866, at Platteville, Wisconsin. She was the wife of Mr. John McArthur.

The firm of Hooper, Peck & Scales went down in the panic of 1838, which suspended the mercantile and banking interests of the whole country. After giving some two or three years' attention to winding up the business, it was turned over to Mr. Peck, a man of private means and without family, who also received incidental aid from Mr. Hooper, he having to seek his living in other directions. After several years of hard struggle, the firm debt, amounting in the aggregate to about $200,000, was paid.

During this period, his mother and family, with the two daughters of his sister, emigrated to Galena, where they remained in his charge until the death of his mother, in 1855, and the marriage of his two nieces, whom he had educated, and who graduated at the Cooper Institution, Dayton, Ohio.

The family owned three slaves, "Old Charley" and his wife and child. Charley had been the playmate of Mr. Hooper's father. They were taken from Maryland to Illinois, where they became free, but they never left the family. "Old Charley" died recently at a very advanced age. For the last ten years he was bed-ridden. He was not forgotten, however, nor forsaken, by him to whose

rearing he had contributed in earlier times. He was cared for to the last, receiving a liberal stipulation regularly from Mr. Hooper.

In 1843 the latter engaged in steamboating, being clerk on board the little steamer *Otter*, then plying between Galena and St. Paul, near Fort Snerling. The *Otter* was owned and commanded by his brothers-in-law, the Captains Harris, who were the pioneers of steamboating on the Upper Mississippi. One building only—a Catholic missionary chapel—then marked the spot where now stands the large and flourishing city of St. Paul, Minn., and from which the city derived its name. At that time there were but few white settlers above Dubuque and Prairie Duchein. The country was then a wilderness, which is now embraced in the flourishing States of Iowa, Wisconsin, and Minnesota.

In 1844 he built for the American Fur Company the steamer *Lynx*. During the memorable high water of that season she was grounded by her pilot, however, on her first trip, near or upon the point of land where the City of Winona now stands. He remained on the river, building and commanding several boats. The last, built in 1847, was known as the *Alexander Hamilton*, and owned principally by Messrs. Corwiths, of Galena, and Messrs. C. H. Rodgers, of New York. This boat was burned, with twenty-two others, at St. Louis, in May, 1849, the disaster again leaving him penniless in the world. Being thus reduced, he took charge of the books of the then well known house of the West, the Planter's House, St. Louis.

In the spring of 1850, he emigrated to Salt Lake City, under an engagement with Holliday & Warner, merchants. This event, insignificant as it may appear, changed the tenor of his future life. At the time he made the engagement with Mr. Holliday, Captain Harris of Galena and himself were arranging with a Pittsburg company for the construction of an iron steamer, which they proposed to ship around the Horn in pieces, with the view of putting her on the Sacramento River. The money for the carrying out of this design was to be furnished by Capt. Harris, and had this project been carried out, in all probability they would have owned the first steamer ever put on that river. It was on account of extreme ill health that Mr. Hooper preferred to make a trip to Salt Lake, where he arrived in the month of June, 1850, but remained with Holliday & Warner till 1853.

In December of 1852, he married Mary Ann Knowlton, by whom he had nine children, three sons and six daughters, the first two being sons, who are now dead. In 1853, and while in company with Holliday and Warner, he went to California with a large adventure of cattle, horses, flour, etc., which latter he disposed of to a large company of emigrants on the road. While in California, he sold his interest in the profits to Holliday & Warner, clearing $10,000 by the transaction, and in company with four other men, including his old friend, John Reese, returned to Salt Lake in the fall, reaching the city in the month of December.

This journey was attended with considerable danger, the country being infested with hostile Indians, and without a house, from where Virginia City, Nevada, now stands, to the settlements of Utah, a distance of about 700 miles.

In 1854, he embarked in mercantile pursuits, and in 1855 was elected a member of the State convention to frame a Constitution for the State of Deseret. In 1857, he was appointed by Gov. Brigham Young, Secretary *pro tem* of the Territory, to fill the place made vacant by the death of Almon W. Babbitt. This position he held until 1858, when he was relieved by Secretary John Hartnet of St. Louis, who came out with Johnston's army. Mr. Hooper's appointment as Secretary *pro tem* was recognized by the Federal Government.

His coming to Utah changed the course of Mr. Hooper's life, and turned the fates in his favor; for in 1859, he was elected Delegate from Utah to the Thirty-sixth Congress of the United States. This gave him an opportunity of witnessing the culmination of matters at the Capitol, which resulted in the rebellion of the Southern States.

### Preamble and Resolutions of Respect to the late Hon. William H. Hooper, President of Z. C. M. I.

*Whereas*, On Saturday, December 30th, 1882, it pleased the Allwise Creator to remove from our midst, by the hand of death, the Hon. Wm. H. Hooper, President of this Institution; and

*Whereas*, He was intimately associated with this Institution, as a Director, from the date of its first organization, in the winter of 1868, until October, 1877; as Superintendent from 1873 until 1875, and as President from 1877 until death called him hence; and

*Whereas*, During the whole time he was associated with us, in the several important positions enumerated, his energy in the interest of the Institution was unflagging, and his capacity and judgment unsurpassed; its success being greatly due to his intelligent efforts; and

*Whereas*, While bowing in humble submission to the Divine will, we deeply realize the fact that Z. C. M. I. has, in the departure to the other life of Brother Wm. H. Hooper, lost an able, active and indefatigable supporter, and in considering his beneficial relations with us in a business capacity, in which he shone pre-eminently, we cannot refrain from also referring to his many estimable qualities manifested in other important spheres. As the Representative of the people of Utah, in the Congress of the United States, for a long series of years, he exhibited statesmanlike ability, associated with unflinching fidelity to his constituents. As a husband and father he was tender and affectionate in the highest degree; and as a friend, he was steadfast and true as the everlasting hills. Nor were his sympathies confined within a limited circle, being as comprehensive as the family of man; therefore, be it

*Resolved*, That it is the sense of the officers and directors of Z. C. M. I. that we have not only suffered, by the death of Brother Wm. H. Hooper, the loss of a gifted, quick-sighted, sagacious and upright man of business, but are thus compelled to part from one whose tenderness of heart, and kindly and genial nature, caused him to be beloved wherever known, and numbering ourselves as we do among his most ardent admirers and sincere friends, we not only hold his memory in the highest respect and esteem, but accord to him a foremost place in our affections; and

*Resolved*, That our heartfelt sympathy be tendered to the bereaved family, who have suffered, by the death of their head and protector, an irreparable loss; and further be it

*Resolved*, That the above preamble and resolutions be spread upon the minutes of this Board meeting in full, and a copy thereof presented to the family of our late lamented associate and friend.

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## THOMAS G. WEBBER.

Thomas G. Webber, secretary, treasurer, and assistant superintendent of Z. C. M. I., was born at Exeter, England, September 17th, 1836, the eldest son of Thomas B. Webber, by Charlotte, his wife, who died at Exeter December 12th, 1852. He comes from an old and well known Devonshire family, who for generations have lived at and in the vicinity of Exeter, the celebrated old cathedral town on the Exe.

Webber's father, a man of scientific attainments, an engineer, inventor and electrician, took a prominent part in introducing the electric telegraph at an early day in England. For upwards of forty years past he has been connected with the telegraphic systems of England as engineer and superintendent. A scientific man himself, and realizing the importance of educational training, Mr. Webber gave to his boy, the subject of this sketch, a good English education. An apt scholar, the boy made good progress; mathematics and drawing were his especial likings, in both of which he became proficient.

But, with his mother's death, home seemed to lose its charm, and at length his father was induced to place him in a civil engineers' office. Here his mathematics and drawing served him well, and with a natural liking for the profession he made good progress.

One of his companions and a fellow student of engineering having about completed his studies, accepted a position on one of the railways then under construction by the Brazilian government and left England for America. Young Webber determined to follow at an early day to the New World, which appeared to offer a broad and promising field. Accordingly in the Fall of 1855, having formed the acquaintance of a German named Kraus, who was soon to start for America, he left England and sailed with Mr. and Mrs. Kraus for New York. Here Kraus and himself opened an engineer's and surveyor's office under the firm name of Kraus & Webber, and by dint of hard work and perseverance they managed to make a living. But the partnership did not last a great while. It was dissolved by mutual consent and in 1857 Webber entered the army. He

served in Arizona and California, and in the Fall of 1861, was, with a squadron of his regiment, ordered to proceed, by way of the Isthmus of Panama and New York, to Washington. Early in 1862, he went to Fortress Monroe with McClellan's army of the Potomac; shared in the Peninsular and other campaigns of that army; was present at Yorktown, Williamsburg, Gaines Mill, White Oak Swamp, Malvern, Fredericksburg, Kelly's Ford, Chancellorsville, Upperville, Gettysburg, Williamsport and Falling Waters. He was for a while Commissary and Quartermaster of the First Cavalry; Quartermaster of the Cavalry Brigade and subsequently Adjutant of his regiment. A good draughtsman and topographer, a fearless and accomplished horseman, he was frequently engaged while serving under McClellan in reconnoissances, undertaken for the purpose of gaining information and sketching the country, as the Virginia Peninsula was practically *terra incognita* for military purposes, when the army landed at Fort Monroe. The maps at hand were inaccurate and misleading, and the only trustworthy information obtainable was that procured by reconnoissance, frequently made under fire and at considerable loss of life.

In the winter of 1863 he resigned to join his friend Mr. E. Miller, who some years before had presented the principles of Mormonism to him, and who was then at Florence on his way to Utah. At St. Joseph he learned that Miller would proceed no further west that winter, so he started alone to Atchison and crossed the plains by stage to Salt Lake. Here he early made the acquaintance of business and commercial men, and he now numbers among his most intimate and valued friends very many, the date of whose acquaintance goes back to the early days of his arrival here.

In the following spring, with T. B. H. Stenhouse, he was busy preparing for the publication of the first daily newspaper in Utah, and on the morning of July 4th, 1864, the Salt Lake Daily *Telegraph* was issued.

In 1865, he was commissioned by Governor Doty a colonel of the militia of Utah Territory, and appointed on the staff of the second brigade, then commanded by Gen. Franklin D. Richards.

On May 25th, 1867, he married Mary Ellen Fox Richards, eldest daughter of Gen. F. D. Richards, by Charlotte Fox, his wife. In May, 1869, with his friend Stenhouse, and his old-time associate, John Jaques, he went to Ogden to publish a daily paper, and on the morning after the last rail, connecting the Union and Central Pacific Railroads, was laid on the promontory, they published the Ogden *Telegraph*. Thus Colonel Webber took an active part in giving to Utah her first daily papers: the *Telegraphs* of Salt Lake City and Ogden.

In June, 1869, he left Ogden and the newspaper business, and entered the service of Z. C. M. I., and in October, 1870, was elected secretary of that Institution. His old friend, Thomas Williams, was elected treasurer at the same time. Subsequently the secretary and treasurerships were merged in one, and he was elected to the dual office.

In October, 1876, he resigned to go on a mission to Germany, and was succeeded as secretary and treasurer by David O. Calder, Esq. Early in the following November, with his friend, Gen. H. B. Clawson, he went east to Chicago, the Centennial exhibition and New York, whence he sailed in the *Dakota* for Liverpool.

After visiting in Devonshire, he again returned to Liverpool, where he met F. S. Richards and H. B. Clawson, Jr., Esqrs., and the three friends traveled through England, France and Switzerland together. From Bern, Switzerland, Webber went to Baden and Bavaria, remaining in the Rhine country until the winter of 1877, when he was telegraphed to come home.

Returning to Devon to say good-bye to relatives and friends, he crossed the Atlantic in November, meeting his wife, who under the kindly escort of Hon. John Sharp, reached New York City soon after he landed. After visiting friends in Eastern cities, he and his wife returned by way of Niagara, reaching home in January, 1878. During the greater portion of 1878, he was engaged in the settlement of the estate of the late President Young, and at the annual meeting of the stockholders, in October of that year, he was again elected secretary and treasurer of Z. C. M. I. On the second Monday of February, 1884, he was elected a city councilor, and at the last municipal election, February 8th, 1886, alderman, from the second municipal ward.

A warmer or more devoted friendship is rarely seen than that which, for near a quarter of a century, has characterized the intimacy of Jennings, Hooper, Eldredge and Webber. The two first named have now passed away, but each in his last will and testament, as a further mark of friendship and confidence, named Webber as one of his executors, without bonds or sureties, notwithstanding the estate of each will aggregate near a million dollars in value.

From the above brief sketch, it will be seen that Col. Webber has been identified with the great Institution of which he is secretary, treasurer and assistant superintendent almost from the very beginning. Possessing executive abilities of a high order; with a quick, almost intuitive perception,

and a worker in the broadest acceptation of the term, he has labored diligently and well in the great cause of co-operation. Long association with Z. C. M. I. having familiarized him with every detail of its business, he is thus enabled to handle its complicated and vast transactions with readiness and ability, and the Institution is not a little indebted to him for its complete organization, perfect business systems and success.

He is eminently a self-made man, having risen altogether by superior ability, coupled with integrity, and to these traits he owes his present important and responsible position. He came to Utah an entire stranger, yet at once became a representative man of the country, a joint founder of the first daily paper in Utah, and for fifteen years he has held his present position in the executive department of one of the greatest mercantile institutions in America.

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## H. W. NAISBITT.

Among the common people of Utah—that is the non-official class—few names are more generally known than that of our subject. For over thirty years a resident of Salt Lake City and engaged in public business and duty, it is easy to account in quite a measure for this.

An Englishman by birth, yet of Scotch origin, and belonging to the Naisby's or Naseby's of the Covenanters, it is seen that characteristics are not unseldom hereditary, and marked in this, as in hosts of life histories by the influence of "blood."

The grandfather was in the British service, and was paymaster in the navy when drowned at New Orleans in the war of 1812. The immediate father and uncle were linen manufacturers in the North Riding of Yorkshire, England, but the introduction of cotton fabrics paralyzed that industry, and made the busy northern villages of that County the habitat of idle weavers, whose craft and memory are now obsolete and near forgotten.

When our boy was but nine years of age, and partly as a consequence of this trade crisis, the loving father passed away, leaving his widow and five children alone in the battle of life; no, not alone, for the religious sentiment of the household was voiced, by the dying husband when he said, "mother don't cry, 'I never yet saw the righteous forsaken nor his seed begging bread.'"

At the age of thirteen, it was necessary that labor should claim the powers of the oldest of the family, and so it came to pass that school was abandoned, and that taste was indulged in the attempt to acquire a knowledge of the hat business, of tinning, of cabinet work, of gardening, and of the grocery and tea business, all of which had an influence felt even unto now.

The death of one or two employers broke up apprenticeship, and a drift was made to Bolton, Lancashire, then after a year or two to Liverpool, thence to Shrewsbury, all in the grocery business; from the latter place, the inclination to visit America was established, Salt Lake City being the objective point.

From this period, life seemed to branch into three separate and distinct, yet intermingled lines, business, literature and religion. A career in the former was commenced in the old firm of J. M. Horner & Co., who occupied in 1854, the now Deseret News Office. Fresh from the system and order of the old world, it was amusing how much of an attraction there was in the manipulation of goods and packages; President Young, Captain Hooper and many others were struck by the deft and ready method of handling and tying up.

But this position only lasted for a time, and with the grasshopper war, with thirteen weeks' experience in Echo Canyon, with trying to build a home and supply furniture to the public, the move south found a financial cripple, though probably not more so than in many other cases.

A few weeks in the south, then a return, and renewal of the furniture business, the completion of the first job and receipt of the much needed pay for a little family, when the night cry of fire sounded, and the home, books, furniture, tools and general effects went up in smoke—four years' labor in forty minutes fire.

Then came clerkship with Gilbert & Gerrish, then with Wm. Nixon, then with Wm. Jennings, a brother-in-law; for the latter, business trips were made to California, then to New York, *via*

Panama, afterwards to St. Louis and Chicago, finally, loading all purchases in wagons on the Mississippi River, then leaving for home.

This was repeated for years, and as showing the business of those times, $175,000 was purchased one season of one dry goods house in New York, besides the necessary proportion of all other goods, including plows, threshing machines, wagons, cattle, etc., and facing the Indian difficulties enroute to Utah or eastward, such as were not uncommon.

After this engagement closed, a partnership was entered into, goods were bought on commission, this merged into an established business when the little spot of co-operation appeared on the business horizon of our Territory. These things had been of a local character, but in "the School of the Prophets" our now broadened business man made the first elaborate and systematic discourse, indicating the possibility and advisability of general co-operation, really as a measure of defense against extortionate trade, and, as a preliminary to the final supremacy of home manufacture as developed and encouraged under and sustained by one gigantic importing establishment.

A full meeting realized that the key note had been struck, and at subsequent meetings in the City Hall, with President Young presiding, further elucidation was made, and the organization of some company or firm determined upon for the purpose of dealing in and supplying with merchandise the people of Utah Territory.

The next appointment was as one of three to prepare a constitution and by-laws for the creation and control of such an institution. Z. C. M. I. was determined upon, when subscriptions for stock were solicited; several of the leading merchants were being bought out entirely, others were relieved of surplus merchandise which they placed in stock; quite a number of outsiders were panic-stricken and sold out, and finally, in the stores of Wm. Jennings and Eldredge & Clawson, the business was commenced. Mr. Naisbitt was active in buying and receiving goods on stock or purchase from W. Jennings, Eldredge & Clawson, Ransohoff & Co., Godbe & Mitchell, Needham & Sears, David Day, H. W. Lawrence, Liddell and others; he then was selected as purchasing agent in the east, on account of prior experience and knowledge of the markets.

In this capacity he visited Chicago, New York, Boston and other cities, reaching there, as he expressed it, when Z. C. M. I. was void of credit, prestige or means, when everything like co-operation was an object of suspicion, when far off Utah was as great a mystery as the Sphynx, and when commercial standing was to be secured through darkness as impenetrable as that of Egypt. By patience, by the influence of old busines friends, and by means used cautiously and wisely for eight long months, on returning he presented the report that "had it been desirable, he could on leaving the east have bought half New York."

Long after this the position of buyer was filled, until President Brigham Young gave a special mission to preach co-operation all through the Territory, which mission was repeated some years later, and once again under the instruction of President Taylor, who, like President Young, was President of the Institution.

For some years after this first mission, charge was had of the wagon and machinery departments, and then came a separation, and after two years spent in England, a situation was again presented, and in one capacity or another the now oldest or longest employed, still finds interest and business in the Institution so well understood and so often defended in years gone by.

It is no discredit to others to say that no more indefatigable speaker, writer or worker has been in connection with the Institution, and during its early history and dark financial days, no official documents or reports were more graphic and telling than those emanating from his pen.

Much of business experience, acquired during a long series of years, is now seen in the pages of Z. C. M. I. *Advocate*, published by the Institution. The series of "Talks," in the first volume of that periodical are invaluable to new beginners, as well as many older ones now engaged in business. The new series of "Talks" in Volume II. promises to be even more attractive, dealing, as they do, with public questions and topics of general interest to the growing people.

Arriving at this point in the biography naturally brings in the intellectual or mental aspect of the man; and, while it is not claimed that anything profound or scientific has been produced, those who are familiar with the potency of the press will not hesitate in saying that in the infancy, material, mental and spiritual, of a community, those who understand the every-day life of a people, whose sympathies are in unison with the majority, and whose interests are indissoluble with theirs, must have even more influence than when elevated too far above the people by education, by association, or by wealth.

Yet, not to all is given such tastes as lead or determine a drift in this direction, natural aptitude

makes easy that which, when sought without it, is irksome, distasteful and apparently undesirable, however, in our subject.

An early tendency toward literature, was established by somewhat of a liberal education, and fostered afterward by an insatiable appetite for cosmopolitan reading; originally circumscribed by religious books and the opportunities of a country town, these were expanded by the broader opportunities of Liverpool, England, in institutes, lyceums, etc., supplemented by the proximity of ability on the platform, the pulpit and the stage. Here first attempts at composition began, and before the "teens" were o'er a drift was created which remains to the present day.

On arriving in Utah, the early pages of the *Deseret News* received his contributions, and when the Polysophical institution was in its glory, our subject never failed by poem or essay to give his proportion to the entertainment. From thence as a lecturer before kindred associations, somewhat of local appreciation was created, and in that field, then trodden by but few, there was steady progress in an intellectual direction.

The training of the ministry, which falls to the lot of most of the Elders of the Church, was not without its influence in the same direction, and many discourses delivered in this city, after publication in the *News* were republished in the Church *Journal of Discourses*, while essays, lectures and fugitive poems, found place in every form of local literary publication.

Hence the pages of the *Utah Magazine*, the *Juvenile Instructor*, *Snell's Advocate*, the *Utah Farmer*, the *Contributor*, *Tullidge's Magazine*, and *Parry's Journal*, have all had more or less of the productions of this writer.

As a welcome contributor to the general columns of the *Deseret News*, and as a contributor to the *Mountaineer*, the *Telegraph* and the *Herald* in succession, it came to pass in 1876, that selection was made of the now somewhat experienced writer, for the position of assistant editor of the *Millennial Star*, in Liverpool; on arriving there the full responsibility of that publication fell to his lot, and included the issuance of the *Journal of Discourses*, a large edition of the Hymn Book and some sixty thousand small tracts for the use of the elders; the original intent of President Young was that he should also superintend the publication of a new edition of the Doctrine and Covenants, with marginal references by Apostle Orson Pratt; the death of President Young interfered with this arrangement, and after two years faithful labor the elder was released.

Since his return in 1878, literature has more than ever engaged his attention, as all the local papers will testify, sometimes as editor, then under a *nom de plume*. The desire of the author is yet to embody in a permanent condition, a now large accumulation of manuscript and matter in varied forms and on a variety of topics, in the hope that such publication will become part of the permanent literature of Utah, or more particularly of the "Mormon" people.

Several of the author's hymns are now in the standard Hymn Book of the Church; the one most used of these, is the touching refrain of "Rest for the weary soul, Rest for the aching head," which has been sung at most of the prominent funerals of late years, in connection with special music written by Prof. Careless. Many others have been published as Sabbath School songs, and are used in all gatherings of that kind, in this and adjoining Territories.

These literary recreations have been independent of the claims of a busy mercantile, social and ministerial life; and now in the former capacity, as the oldest employee of Z. C. M. I., and with a varied business experience, he is called to the editorial labor of its *Advocate and Commercial Register*, which after a successful year's issue, is now running upon its second, with prospect of larger circulation and appreciation than before.

As a criterion of poetic style and taste, some illustrations will be found in the literary section of the History of Salt Lake City, page 801. These may not be brilliant, but for sentiment they claim a measure of consideration, and being varied in mood, are evidence of more than usual versatility, and indicate at least, the impress of the divine *afflatus*.

H. W. Naisbitt was early brought into religious ways, Methodists, Primitives, Calvinists, Congregationalists and Episcopalians were in his native town, but all were working to a common end, and the stormy polemics of larger towns and schools had never disturbed the serenity of this dead sea level of religious theory and thought.

An apparent accident drew to another town, a now studious boy, and an unknown church (the Baptist) was presenting its claims on the strength of Bible teaching; to hear was to believe, to believe was to be baptized, and then came greater consciousness of religious diversity and finally of religious strife.

The pulpit now loomed up as the objective point in life, to stand as his fathers had done before him was a worthy ambition, and moving to a large manufacturing town gave our youth increased

opportunities of hearing and reading. Swedenborgianism with its revelations and mysterious inner sense; Catholicism with its sensuous ceremony and priestly assumption; Unitarianism, with its cold yet learned disquisition and lauded intellectuality; each had in their turn such mental consideration as youthful training claimed for real religion.

Further drift encountered Joseph Barker, G. J. Holyoake, Gerald Massey, Thomas Cooper, Robert Cooper, Henry Vincent, Fergus O'Connor and Daniel O. Connell, all iconoclasts in their way, hewing down the dagons of superstition, whether of religion or crowns.

Secularism became the ism, not, however, without grave thoughts, and with some compunctions at the rejection of the life work of fathers and mothers, and keen personal feeling at the apparnet overthrow of authority and the enjoyments of a loved and happy home.

At this timely juncture, "Mormonism" was presented, and the dubiety felt in regard to religion in general seemed to attach this to itself in particular, for some time suspected, yet earnestly observed, its harmonies began to dawn upon the soul, the defects experienced, the inconsistencies heretofore realized in others, began to assume "form and feature" in it, and not long ere enough was understood to give assurance that trial only could once more be realized as it had been before.

Years sped by, gathering to a new—a strange land, the testing crucible of circumstances, the loss of many precious things of life, founding a home in the desert, far from books, institutions, society was much of a trial, losses by fire, in trade, from friends; probable misunderstanding, misappreciation, jealousy, etc; the cares of life, the crowding demands of family, the acceptance and practice of the patriarchal order, these have all been tests of strength, of faith, of endurance and nerve; the strain of "a busy life," its business, its mental labor, its ecclesiastical demand as evinced in missionary and other work, these all try the stamina of the man; the prospect of prosecution, of confinement among felons and violaters of fundamental law, the penalties of integrity to covenant and contract, these all loomed up in the life of this earnest man.

Half a century of probably not always intelligent endeavor, has fled away; its lights and shadows, its clouds and sunshine, are among the memories of the past, and no deliberate choice of evil, spectre-like looms up to darken the horizon of the coming years. Twelve lively boys, and as many girls, besides the care and raising of four adopted ones, and many wives beside, are not likely to leave much leisure in a common life; the few who gone have with their mothers to the other side are present inexpensive adjuncts and appendages of the patriarchal order; if those who think that this is child's play, and that it calls for "bonds and imprisonment," would but assume for one short year, the responsibility, thought, ambition and labor, rather would they not feel that the multiplication of good, honest, honorable citizenship, should enjoy the recognition of the authorittes of the land, and that these should rather be the recipients of its *largesse* and laurels than the subjects of its prosecution, its contumely and penalty. Time will vindicate the right, truth will triumph, man will indeed be free, and the relations of life, social and religious, will be as between a man and his Maker, so long as universal right and liberty is unmenaced and uninfringed.

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## FRANKLIN D. RICHARDS.

A scholarly divine of New England some years ago compiled a genealogical register of the descendants of several ancient Puritans. Among them is the family of Richards. In the introduction to this genealogy, the conscientious author and collator says: "In Europe the name of Richards has long been illustrious. * * * But it is no part of my design to import and regild the fadec honors of the name. * * * I offer a fresher and nobler lineage, one emblazoned with the brilliant ensigns of sacrifices and sufferings, of victories and triumphs, for truth and conscience." Grand words, breathing something of prophecy destined to find a great measure of its fulfillment in the lives of Apostle Franklin and his close kindred.

Puritan sturdiness, coupled with constantly increasing intellectual force, characterized the de-

F. D. Richards

scendants of the founders of this family upon Massachusetts shores. If they did not reach the highest point of worldly exaltation, they were always held in honorable consideration; and from their number were drawn more than a proportion of divines, doctors, lawyers, legislators, scholars, and patriot soldiers.

In the year when American Independence was declared, we find among many others of the name, one particular scion of this house marching to the wars. Joseph Richards enlisted with the Continental forces when he was but fourteen years of age; and, despite his youth, he fought gallantly at the siege of Boston, at Crown Point, Bennington, Tioga, West Point and Cowpens. Five years of the wars doubtless "brought bronze and beard upon his face;" for at nineteen he married Rhoda Howe, a descendant of John Howe, who was a coadjutor of Eliot the preacher to the Indians. The younger sister of Rhoda Howe became the mother of President Brigham Young.

The second son of Joseph and Rhoda Richards was Phinehas; the fourth and fifth sons were Levi and Willard—all three with a record for devoted adherence to conscience which does no shame to their Puritan ancestry. Phinehas learned the staunch trade of carpenter in his native State of Massachusetts. When the sound of war again arose in the land, he enlisted in the Massachusetts militia; and, in 1813, he was serving on the colonel's staff with the rank of sergeant major. At thirty years of age, Phinehas married Wealthy Dewey, of another old Massachusetts family. They had numerous children, of whom two—true to the inherent devotion and the fortunes of their race, have already lost their lives in a patriotic cause.

The pleasant little town of Richmond, in the county of Berkshire, Old Bay State, was the original dwelling place of Phinehas and Wealthy after their marriage. Here, on the second day of April, 1821, a son was born to them whom they called Franklin Dewey Richards. He was the fourth born and is the oldest surviving of nine children who came to bless his father's house. In the first quarter of this century, Western Massachusetts was a close neighbor to the wilderness; and in the radiant air and stirring scenes of farm and forest the boyhood of Franklin was spent. He had much of the manliness and vigorous devotion to duty of his soldier sire and grandsire; for at the close of his tenth year the chronicler sees the boy at Pittsfield—whither he had walked from Richmond, a distance of about 10 miles, to accept employment which would in part relieve the cares of his father. Previous to this time his life had been the toilsome, hearty one of a thousand New England boys; performing the labor for which his years made him capable; toiling steadily through the summer that he might be enabled to snatch a few brief hours for school in the winter.

At Pittsfield the sturdy chap spent three years, working in turn for John Weller, Justin Hale and Jeremiah Stevens. This labor brought its reward—grand, indeed, to this boy of 13 years, but most trivial as it would appear to the more favored but less worthy youths of a later generation—a winter at Lenox Academy. This boy who had read every book in the Sunday school library, comprising some scores of volumes, before he was ten years old, and who had pursued such a rigid course of study throughout three succeeding years of heavy labor that he was an exemplary scholar at the county academy, was not to be overlooked by shrewd Yankee eyes.

A scholarship was created by the religious women of Richmond, to be placed in one of the leading New England colleges, to fit some youth for the ministry. Little Franklin Richards was selected unanimously as the object of this valuable benefice; but, strange to worldly sense, he, the ardent student, hesitated. At last, more strange, he peremptorily declined the honor.

The parents of this boy were devout and respected Congregationalists—belonging to the church which held as members Franklin's military grandsire, Joseph, and the devout grandam, Rhoda. Phinehas and Wealthy had trained their offspring in the pious way; earnest themselves, they wished their children to understand and obey the truth. Once, when Franklin was in early childhood, he went with his mother to hear a powerful discourse from the Rev. Samuel Shepard. At the conclusion of the impressive services the good Wealthy whispered to her awe-struck son, "How glad mother would be if her little boy would grow up to be such a good shepherd." Prophetic wish! Many times before this momentous hour of consideration, Franklin had been oppressed by solemn views. Religious excitement prevailed in New England; the staple of conversation was the horrors of the damned. But our destined apostle, so far from accepting the common and almost universally favored theories, searched the Scriptures and found the proffered popular creeds but Dead Sea apples. When the scholarship was solicitously tendered, the natural ambition of the parents would have dictated the son's acceptance. But they knew his conscientiousness, and Phinehas said to Wealthy: "We have dedicated Franklin to the Lord, and I believe he will be inclined to do the way which will be the best for us all." When Franklin rejected the

brilliant offer in order to remain at daily labor for the maintenance of his father's house until the true call should come, the Gospel of Jesus Christ as proclaimed by Joseph Smith, had not been heard in the quiet county of Berkshire. If Franklin had become a "student of divinity" at the New England College, he would doubtless have been through life a sectarian preacher of the word. Who now can doubt the Providence, then so mysterious but now so manifest, which dictated his refusal?

After this period the boy student found his necessary vocation with his uncles, William and Levi Richards, who had local prestige as lumber and shingle sawyers and cider makers. Two years he labored, gaining stores of practical knowledge, and then the trump sounded for the hour of awakening. In the summer of 1836, Joseph and Brigham Young—full of the spirit of apostolic ministry came from Ohio to Richmond. With the family devotion of their class they desired to lift their kindred into the radiance of truth. They gave to Joseph and Rhoda, to Phinehas and Wealthy, to Levi and Willard, and the score of younger relatives the wondrous gospel of a new prophet arisen—not the Savior but His vicegerent—to lead men back to everlasting truth and make them fit for His coming in glory. The Youngs left a copy of the wonderful Book of Mormon with the Richards family, and it was carefully and intelligently perused. Franklin brought all the ardor of his studious mind to bear upon it. His few spare hours of daylight were not sufficient for the entrancing work, so he gave his nights. In the mill where he worked a cauldron of cider was to be kept constantly boiling. He obtained the watch of darkness Candles were out of the question; so his habit was to thrust a mighty plank into the furnace and, while one end of the slab was giving heat to the simmering cider and flickering light to the still house, he would lie outstretched upon the other end, poring over the pages of this newly revealed sacred history. He studied and believed.

In the autumn of that year, 1836, Willard and Levi went to Kirtland, Ohio, as delegates and leaders of the family to the truth. They accepted the gospel and remained. In the succeeding April, Phinehas with Franklin's younger brother, George Spencer—aged 14 years—also journeyed to Kirtland. They in turn received and acknowledged the truth. In the autum of 1837, Phinehas returned to Richmond. He found Franklin awaiting baptism; and on the 3rd day of June, 1838. Phinehas had the heavenly pleasure of immersing his son within the waters of Mill Creek in Richmond, his native town.

Now the young disciple felt the quickening. He abandoned his employment; and, on the 22nd day of October, 1838, he left Richmond for Far West, Missouri—making his devoted pilgrimage to the altar of the Most High. It was a lonely, toilsome journey. On the 30th day of that month of October, Franklin crossed the Alleghanies; and almost at the same hour his beloved brother, George Spencer Richards, was slain by an assassin mob at Haun's Mill. But the news of his brother's tragic death and the hideous stories of the "Mormon War" were alike powerless to restrain his purpose and he journeyed on eventfully. After visiting Far West and gaining confirmation of his faith, the young disciple found employment along the Mississippi River.

In May, 1839, he first gazed upon the face of the Prophet Joseph, and the following spring he was ordained to the calling of a Seventy and was appointed to a mission in Northern Indiana. This time of preaching was a significant hour for him; among many great experiences which it gave to him, it made him the familiar friend of the saintly Robert Snyder—a youth filled with grace and visionary power, whose favored sister Franklin subsequently married. With the spirit of apostleship upon him, he labored mightily. Under his strenuous efforts his health declined; but he persevered. He journeyed and preached with great success; established, by his own personal efforts, a branch of the church in Porter County; and before he was 20 years of age delivered, at Plymouth, a series of public lectures which attracted much attention. The April conference for the year 1841, saw him at Nauvoo an adoring witness to the laying of the corner stone of the temple; and at this eventful gathering he was called to renew his labors in the region of Northern Indiana. Just before he was to start on this momentous journey he saw Joseph and Sidney take the lead of nearly five hundred baptisms and confirmations; and the glorious sight made his zeal mightier than ever.

In the summer of that year he was at Laporte—sick nigh unto death, and yet determined to progress with his mission. He found consoling care under the parental roof of Isaac Snyder, the father of his friend Robert, and through several weeks he was nursed as a beloved son of the house. When the family of Father Snyder took up its march for Nauvoo, Franklin was carried back by them to the beautiful city; but soon after the succeeding October conference he was once more moving in the missionary field—this time being the companion of Phinehas H. Young, in the vicinity of

Cincinnati. He fortunately visited Father Snyder's family again in the summer of 1842, just as he was convalescing from an almost fatal attack of Typhoid fever; and in December of that year he wedded the youngest daughter of the house—Jane Snyder, whose helpful love sustained him then and blesses him to-day. He dwelt with the Saints at Nauvoo until the latter part of May, 1844, in the meantime being ordained a High Priest; and then was called to depart with Apostle Brigham and others upon a mission to England. He reached the Atlantic States, but before setting sail for Europe he heard the dreadful news of the Carthage tragedy, and was called back to the desolated Nauvoo.

The opening months of the next year, 1845, were spent by him in traveling more than a thousand miles among the branches of the Church in Michigan and elsewhere to gather tithes for the temple. He returned to Nauvoo with nearly five hundred dollars for this sacred purpose; and then was chosen by his uncle Willard to be a scribe in the office of the Church Historian. In July, 1845, President Brigham Young said to the ardent young elder, "After you are favored with the blessings of the temple, you must depart for a mission to England." This was good news to the devout young man. The mechanical work upon the holy edifice needed every available skilled hand; and Franklin labored through the spring of 1846 as carpenter and joiner in the lower main court of the temple, until the structure was completed and dedicated—having previously participated in the administration of the sacred ordinances there.

When these duties were concluded and the hour for the exodus had come he sacrificed the pleasant little home, built by his own toil; and with the meagre proceeds he purchased a wagon and cattle and such few necessaries as he could compass for the use of his family—an invalid wife and baby girl. With the heroism of the martyrs, he saw his loved ones starting on that melancholy journey into the western wilderness. He committed them to the great Creator's care and then he turned his face resolutely towards the East—without money or sufficient clothing, to make his way by faith alone, across continent and ocean into a strange land. His younger brother Samuel was called to accompany him; and the two missionaries crossed the river to Nauvoo and slept the first night of their arduous journey in a deserted building there. The God whom they so unselfishly served opened their way; they pursued their journey *via* the Mississippi and Ohio rivers to Pittsburg, and across the mountains to the coast; and on the 22d day of September, 1846, they sailed from New York in company with Apostle Parley P. Pratt and others. The last word which Franklin received from the Camp of Israel, before his ship put to sea, was that the noble Jane amidst all the privations of the exodus was lying at the point of death—that a little son had been born to her, but the child had quietly expired upon its mother's devoted bosom. This was the comfort brought to the courageous missionary to speed and solace him upon his trying voyage!

On the 14th day of October he landed in Liverpool. A few days later he was appointed to preside over the Church in Scotland, with Samuel as his assistant. Apostle Orson Hyde was at this epoch the president of the British mission and editor of the *Millennial Star*; though he was soon to depart for America and was to be succeeded by elder Orson Spencer. But at the hour when the change was expected to be made, a false report of Elder Spencer's death reached Liverpool. The rumor was believed and Apostle Hyde appointed Franklin, then only twenty-five years old, to both of the positions which he, himself, was vacating. The public announcement of this event was made by the retiring president and editor in the second number of the *Star*, for the year 1847, in the following language:

"Brother Franklin Richards, a worthy young man, who has received the fulness of the priesthood in the temple of God, will be our successor to the editorial department of this paper, and will also take the presidency of the whole Church in the British Isles, under the direction and instruction of the council of the Twelve Apostles. With all confidence we resign our trust into his hands, being satisfied of his competency and ability to perform the work assigned him; and what is still better, we know that God is with him. We leave our blessing upon him in the name of the Lord, and say to the Saints, listen to his counsel and instruction; in doing so you shall be blessed with life and salvation."

Just as Elder Richards was entering upon his high trust Elder Spencer arrived in England and Franklin at once gave place to his ecclesiastical chief; but he was selected as counselor, and during the subsequent serious illness of the President, Franklin was obliged to sustain the responsibilities and perform the duties of that calling. He was a devoted soul. His entire being was immersed in the glorious work of the ministry. He labored there until the 29th day of February, 1848, when he was appointed to take charge of a considerable company of Saints who were emigrating to the land Zion, in the bosom of the Rocky Mountains.

During the time of Franklin's stay in the British Isles, the Saints there had been relieved of the treacherous "Joint Stock Company." The dishonest projectors of the despicable scheme had fled to other regions; and hope and confidence again held sway. But while all in the mission was prosperous, and the young elder could justly feel proud and happy in the great work of proselyting, melancholy news came to him from the wilderness. His brother Joseph William Richards, a member of the glorious Mormon Battallion, had succumbed to the rigors of the march and his wearied form had been laid in a lonely grave by the banks of the troubled Arkansas. Franklin's fair little daughter Wealthy had also died, and left Jane heart-broken, childless and alone. Thus early in life did the elder and his patient wife learn all the "sweet uses of adversity," schooling them to unselfish endurance.

The home journey *via* New Orleans and St. Louis to Winter Quarters was completed by the middle of May, 1848, and there Franklin found Jane and such of their relatives as had survived the perils and privations of the times. In June he was sent through Western Iowa negotiating for cattle with which to move the company of Willard Richards across the Plains to the Salt Lake Basin. His effort was completely successful, and on the 5th day of July the train started, with Franklin acting as captain over fifty wagons. The journey was a most distressful one to his wife. Much of the time it seemed as though each day would be her last. But they found kind and helpful friends who ministered to their wants; and on the 19th day of October they entered the Valley through Emigration Canyon and camped in the fort, more grateful to God than words can express to find a resting place for wearied frames worn with toil and sickness.

Franklin sold his cloak and every other article of clothing which he could spare, and with the proceeds purchased building material. Before the violence of the winter was felt he was able to construct a small room of adobies without roof and without floor. Here they had a modest feast on the first day of 1849; and from this rude mansion on the succeeding 12th day of February, Franklin was called to receive his ordination to the holy apostleship. His time was now engrossed in the duties of his exalted calling.

On the 20th of June, 1849, gladness was again restored to the loving hearts of Franklin and Jane by the birth of a son whom they subsequently called Franklin Snyder Richards and who has lived to perpetuate his father's fame and his mother's devotion.

The young Apostle became immediately associated with the other leading minds of the community in the Provisional Government of the State of Deseret, in general legislative and ecclesiastical work, and in the labors of creating a Perpetual Emigration Fund.

In October, 1849, he was once more called to leave home with its tender ties and its responsibilities of love, and renew his great missionary labor in the British Isles. He traveled in company with President John Taylor and Apostles Lorenzo and Erastus Snow and had a most eventful journey. Hostile Indians, inclement weather and turbulent, icy streams, combined to delay and imperil their progress. But the hand of Providence protected them and the opening month of the year 1850, found them at St. Louis, visiting with dear old friends and brethren.

What delight and heavenly ambition must have animated this devoted band. After years of tribulations they had seen the altar of Christ's family established in a place of peace; and now they were journeying hopefully to foreign lands to proclaim the law of gathering and lead the honest in heart to the safe and chosen home of the Saints, for a time beyond the reach of persecution.

This was among the grandest missionary movements in the history of the Church. President Taylor was on his way to France, Lorenzo and Erastus were destined for Italy and Scandinavia, and Franklin, with the zeal of his young manhood and his endowment as an Apostle, was to officiate once more in the British mission.

Orson Pratt had been presiding and editing at Liverpool; but when Franklin arrived there on March 29th, 1850, he found that the elder Apostle had been called on a hurried trip to Council Bluffs, and the *Star* contained a notification that during his absence Apostle Franklin D. Richards would preside over the Church affairs in Great Britain. The young president immediately began the establishment of the Perpetual Emigration Fund, and founded it upon a basis which has enabled its beneficent power to endure until the present hour. Later in the season Orson returned to England and Franklin relinquished his place as chief, and became Apostle Pratt's associate for a few months; but with the opening of the next year, 1851, Orson was called to the Valley, and Apostle Richards was instated as the president. Within the twelve months following; his energy and zeal, with that of his brethren, had spread the truth with irresistible sway throughout the Isles of Britain, while Franklin, with tireless hand and brain, doubled the business at the Liverpool Office; revised and enlarged the Hymn Book and printed an edition of 25,000 copies; prepared his pamphlet, the

Pearl of Great Price; stereotyped the Book of Mormon and arranged for stereotyping the Doctrine and Covenants; issued a new edition of Parley's Voice of Warning; and devised a plan which made the *Star* a weekly instead of a semi-monthly periodical and increased the number of its issue. He had also paid an interesting visit to President Taylor at Paris; had sent to Zion the first company of Saints whose passage came through the Emigration Fund; and with Apostle Erastus Snow had made arrangements for the organization of a company to engage in the manufacture of iron in Utah. In January, 1852, pursuant to advice from the First Presidency of the Church, who contemplated a visit from him to the Great Salt Lake Valley, he installed in the Liverpool Office, his brother Samuel, who had been formerly his associate during his ardent and successful Scottish ministry, in order to fit the younger Richards to maintain the increasing work in Franklin's temporary absence.

The baptisms in the British mission during these two years of Franklin's stupendous labor, extending from the summer of 1850 to the close of spring in 1852, aggregated about sixteen thousand; while the perfected organization of conferences, branches, pastorates, etc., was commensurate with this marvelous increase. Such accessions required increased emigrational facilities, especially as the long water voyage to St. Louis, by way of the tropical gulf, closely followed by a tedious overland journey, gave premonitions of fatal results to some among the pilgrims. After exhaustive investigation Franklin rejected the theory of emigrating the Saints by way of Panama to the California coast; and instead adopted the project of sending one ship to each of the three ports Boston, Philadelphia and New York. The latter received the decided preference, after the experiment; and the plan of voyage between Liverpool and Castle Garden, instituted by the young but thoughtful Apostle Richards for the European Saints, a third of a century since, is still the universally favored route.

On the 8th day of May, 1852, he sailed from Liverpool for New York. Scanned under the bright light of his self-sacrificing life, the hour of his departure from English shores must have been a time of trial mingled with exultation. After a dreary absence he was returning to the beloved home and hearts, where suffering had been a constant and unforbidden guest for his dear sake; with the glory of the Apostleship still radient upon him, he was modestly about to render up the testimony of his worthiness; and a thousand works of industrious goodness, with thousands of true converted souls left in Europe, or already journeying upon the deep, were all proclaiming for him reward and prayer. Yet on the other hand the mission of the man was strongly manifest upon him; he was leaving the work at the very inception of the growing destiny foretold by his prophetic intuition and made possible by his holy constancy; zeal and sanctified ambition both must have prompted regret for his departure; but though this mantle of providential weaving ran some threads of comfort; he was to see his loving family in Utah; his brother Samuel, the latter possessing a full share of the family honor and ability, would remain in Britain to add numbers, wealth and glory to the mission, and the absence of Franklin would be but temporary. There was with him no thought that his loving duty was a painful task or an ill-paid sacrifice.

On the 28th day of the succeeding August he was attending the special conference in Salt Lake City at which was promulgated to the world the famous revelation, which Franklin had long before heard and received, upon the subject of the eternity and plurality of the marriage covenant.

On the 13th day of December, 1852, in the Territorial Legislative Assembly he renewed his labors as a law maker. The truth of theology and the power of discriminating legislation has seemed instinctive in the family of Richards.

In the opening of the year 1853 he participated in the dedication of the Temple grounds at Salt Lake, and in laying the corner stones of the superb structure which now shines in chaste magnificence.

In the succeeding month of July, he journeyed with Jane and their two little ones to Iron County to proceed with the establishing of the iron works; and on the trip encountered, but without any immediate disaster, several parties of hostile Indians. At Cedar City military orders were received from Governor Young and Lieut.-General Wells, in view of Indian disturbances: and Franklin engaged immediately in the work of bringing in the outposts, changing the site of Cedar City, and fitting the people for the resistance of savage aggressions.

He returned to his home in Salt Lake in time to soothe the closing hours of his mother's life; but was again on the march for the iron region on the 22d day of October. His mission there accomplished, he came to Salt Lake to take part through the winter in the legislative councils; and while thus engaged he was requested by President Young to prepare for another mission to Europe.

On the 11th day of March, 1854, Willard Richards, one of the leaders of the Mormon people,

as he was the eminent leader of his family, departed this life. Franklin, notwithstanding the fact that he was a young man, was at once looked to by his kindred as being their chief.

Just before departing for England, he held a family gathering, at which he set the example of dedicating his home and all he possessed to the Lord. He reached Liverpool in safety on the 4th day of June, 1854. His letter of appointment from the First Presidency, published in the *Millennial Star*, authorized him to preside over all the conferences and all affairs of the Church in the British Islands and adjacent countries."

This was the signal for the closer amalgamation of all the European missions under one head—the presidency of the zealous Apostle Franklin D. Richards. He traveled on the Continent promoting peace and harmony as well as increase to the branches there. Emigration facilities were perfected and enlarged.

In 1855 he engaged for the better accommodation of the growing business in Liverpool, the convenient premises known now as 42 Islington, which have been occupied as the chief offices of the Church in Europe from that day until the present time. In October of this year, the Saxon mission was originally established in Dresden under his personal direction—a mission which has yielded intelligence and numerical strength to the cause.

His travels were constant and extended to nearly every part of Western Europe—until he was probably better informed than any other man regarding the work in foreign lands. He gathered around him a most devoted band of American and foreign elders; and the cause progressed amazingly. It was also within his province to direct the branches of the Church in the East Indies, Africa, Australia, New Zealand and other parts—making altogether a sphere which no man could fill unless every ambition were centered in the cause.

On the 26th day of July, 1856, President Richards, accompanied by Elder C. H. Wheelock, sailed from Liverpool, homeward bound, on the steamer *Asia*. The *Millennial Star*, now placed under the editorial charge of Apostle Orson Pratt, in announcing this fact, used the following language:

"In noticing the departure of these our brethren from the field of their labors, it is difficult to express those warm feelings of approval and blessing towards them which fill our bosom and which, we are confident, will meet with a cordial response in the hearts of thousands of faithful Saints to whom, through the rich blessings of the Lord, they have so abundantly administered the principles of present and eternal salvation.

"For nearly ten years Presidents Richards and Wheelock have spent most of their time in laboring in the ministry in Britain; and, from the beginning, a constant and abundant increase of strength and power in the priesthood has been manifested, in the growth and efficiency of their labors.

"During the past two years, in which Elder Richards has presided over the churches in Europe, some 8,000 Saints have left its shores for the land of Ephraim. When the circumstances under which this great work of gathering has been accomplished are taken into consideration, in addition to the many other complicated duties that have devolved upon him, it is evident that he has sought diligently after, and has had the revelations of heaven to guide him in the plans and devices of his heart; and that the Lord has had great regard for him in making him an instrument in accomplishing His mighty purposes in the earth.

"Brother Franklin has not only had the revelations of the Spirit to guide him, but he has sought after the counsels of the Prophet Brigham, and when he has received them he has also had the light of the same Spirit in which they were given, to direct him in carrying them out; hence, constant success has attended his labors, and they have been crowned with blessings to himself as an Apostle of Jesus, to the Saints under his immediate charge, and to the general interests of the Kingdom of God on the earth.

"A rapid extension of the work of the gathering has been a prominent feature of his administration, the last great act of which—the introduction of practicing the law of tithing among the Saints in Europe—is a fitting close to his extensive and important labors.

"We receive the work from the hands of President Richards with great satisfaction and pleasure, on account of the healthy and flourishing condition in which we find it. During much of his mission he has labored under great bodily debility and weakness, and we trust that the thousands of Saints in Europe will unite their faith and prayers with ours, that he may experience a great renewal of the spirit and power of life, health and strength, upon him during his journey home, and ever after; and that he may not lack in any good thing to cheer his heart, and enable him to fulfill the duties of his holy calling."

At a meeting of the presidents of conferences, held in London previous to the departure of

President Richards, an affectionate and glowing tribute of esteem was unanimously dedicated to him.

On the 4th day of October, 1856, he arrived once more in his mountain home; and in December became again a member of the Utah Legislature. January 5th, 1857, he was again elected a Regent of the University of Deseret. He soon became immersed in the settlement of the estate of his deceased and revered uncle Willard. He was, on Monday, April 20th, 1857, elected and commissioned Brigadier-General of the second brigade of Infantry of the Nauvoo Legion. Soon afterward, he paid a visit of observation, with other dignitaries, to Fort Limhi on Snake River.

When the coming of Johnston's army was announced, Brigadier-General Richards was called into council upon measures for public safety and defense; and later, was engaged with four hundred men of his brigade in giving support to Lieu.-General Wells in Echo Canyon. He, with other devoted citizens, left his valuable property under the charge of a trusty friend, who was to apply the torch and offer it all as a burning sacrifice before it should be seized or desecrated by the boastful invaders. And, after the tragic folly of the invasion was brought to its proper close, he, with others, received a somewhat unnecessary pardon from James Buchanan, President of the United States.

July 21st, 1859, he began a political tour through Southern Utah, to advise and arrange for the election of delegate to Congress; and immediately upon his return to Salt Lake he departed with President John Taylor, to meet two companies of emigrants—many of whom were endeared by old and affectionate association with Apostles Taylor and Richards.

During the years from 1859 to 1866, his labors were multifarious; he was engaged in ecclesiastical, political legislative, military and educational works—besides having a large family responsibility and such growing private interests of agriculture and mill building as his public duties would permit him to inaugurate. He was upon three occasions very ill, but each time he recuperated and renewed his labor with increased energy.

On the 29th day of July, 1866, he was once more appointed to England, and in a fortnight was on his journey. Arriving in Liverpool on the 11th day of the September following, he began the welcome and grateful labor of visiting the principal conferences of the European mission; including the Scandinavian and other continental branches. If he rejoiced to be back among his children of religious love, how joyous must the patient, toiling Saints have felt to greet once more their tender father in the gospel.

In July, 1867, this "tried warrior in the cause of truth" was again instated as president over the European missions. His predecessor, Apostle Brigham Young, Jr., prophesied that under Franklin, fresh impetus would be given to the work in those lands. These words met with a wondrous fulfillment. He gathered once more a staff of enthusiastic elders to his support; and in the year following, in Great Britain alone, there were baptized into the glory of this new gospel, three thousand four hundred and fifty-seven souls; and in the same length of time, from the same country there were emigrated to the land of Zion more than three thousand two hundred Saints.

Always projecting his thoughts into the future to find means for advancing the work of God, he at this time decided that emigration by sailing vessels was inadequate for the needs of the renewed proselyting work in Europe. He, therefore, made all the necessary changes—at that early day not inconsiderable—and two large companies of Saints were sent out from Liverpool by the steamships *Minnesota* and *Colorado* bound for New York. This change from sailing vessels to steamships has continued till the present time.

If there had been any fear in the minds of the leaders in Utah that the European countries had already given up to the Church all their truth-seekers, this superb result must have dealt the fear a lasting blow. It was again the triumph of the zeal which knew no other object than the progress of the new dispensation. When Franklin returned to his treasured home in Zion, on the first day of October, 1868, President Brigham Young met him with these very significant words: "Brother Franklin, welcome home! I am glad to see you. I congratulate you upon your revival of the work in the British mission."

This was the last foreign mission of Apostle Richards; and his active work in the field had a fitting close. Eight times he had crossed the mighty deep and four eventful periods he had spent in the ministry abroad. His last effort had demonstrated that the soil of humanity in Europe would still produce rich fruits.

Although his ardor as a missionary had not waned, his value as a home counselor had increased; and with the opening of the following year a new epoch was commenced in his career. On the 19th day of February, 1869, he was elected Probate Judge of Weber County; and from that event Ogden and Weber County may date no small share of the worthy progress which has made them respectively, in importance, the second city and county of Utah.

This was a critical hour in the history of that region. The locomotive whistle had sounded the advance; and the people, so long isolated, must be prepared for the contest of the world. Cultivated intelligence and cultured experience were needed. And the man whose earnestness and ability had made him the instrument for the resuscitation of the British mission was deemed the fitting regenerator.

Accordingly in May, 1859, Franklin D. Richards established his residence in Ogden. In all the intervening years he has been the presiding ecclesiastical authority of the Weber Stake of Zion. Many of his assistant laborers possessed a measure of his own paramount quality of generous loyalty to the cause; and these men came readily to his support in the revival work of the home ministry. But every reader who has so far followed this sketch will readily understand the self abnegation and the zeal of Apostle Franklin in his religious calling in Weber County.

We pass to a brief summary of his social and political labors. When he reached Ogden to attend his first term of court, the town had no newspaper; before a year had passed, he established, and for a time edited, the Ogden *Junction*, over which he long exercised a guardian care and which practically exists to-day under the name of the *Daily Herald*. Schools had been all that the people felt they could support, but they were still not up to a high grade; he wrote, preached, and labored personally—and with his accustomed success, to advance the educational interests of the people. The young people, in many cases, lacked cultured associations and ambition for education and refinement; he organized societies which were the heralds, if not the direct progenitors, of the later Mutual Improvement Associations which permeate the Territory—and he originated a plan by which the youth of Weber County might hear, without cost, lectures by the best scientists and most talented orators of Utah. With the advent of the railway came an influx of worldly persons and sentiment; he taught his people how to preserve from this rude aggression, their political and moral integrity, and he showed them by precept and example how to make home beautiful and home pleasures attractive for the youth.

When he came first to examine the records and the condition of public and private business in the county offices, he found almost a chaos. This state of affairs was due more to community carelessness than to incapacity of officials. But reform was absolutely necessary; for public lands were coming into market; the probate court had general, civil and criminal jurisdiction; the county was rapidly increasing in wealth and varied population; and legal ends must be accomplished by legal means which would bear careful scrutiny. He gathered the best help available and proceeded with the good work.

He was Probate and County Judge of Weber County continuously from the 1st day of March, 1869, until the 25th day of September, 1883. During this period of more than 14 years, hundreds of suits for divorces and cases of estates for settlement were brought before him. In no single instance has his decision in these matters been reversed by a higher tribunal. He adjudicated all the land titles in the important city of Ogden and the populous towns of Huntsville, North Ogden, and Plain City. No one of these adjudications has ever been set aside by any court. For the first five years following his induction into office, his court had original and appellate jurisdiction in all common law and chancery cases; before him were tried a multitude of civil suits, *habeas corpus* cases and trials of offenders charged with all crimes from misdemeanor to murder. Not one single judgment or decree rendered by him in all this lengthy general judicial service was reversed on appeal. His justice and humanity, united with keen legal sense, made his name proverbial.

In his admistration of county financial affairs he was no less successful, aided by associates of shrewdness and integrity. During his *regime* the finest Court House in Utah was erected in Ogden; roads and bridges innumerable were built; the only toll road in the county—extending through the magnificent Ogden canyon, was purchased and made free; taxes were kept low but were collected promptly; the county was maintained clear of debt; and during all this period his position carried with it no salary.

But even with such a mass of business at home, he found time to travel and observe throughout the Territory. He had previously been, when in Utah, a member of the successive Legislative Assemblies and Constitutional Conventions—in which his scholarship, legal lore, and patriotism made him conspicuous. He traveled with President Young to organize nearly all the Stakes of Zion; and attended the dedication of Temple sites and Temple buildings. After the death of the great Brigham, and especially since his own retirement from political life, Franklin has been entirely immersed in the councils and labors of the Church. At the present trying hour, his dictation and advice are in more than usual demand by the entire body of his people.

The passage of the notorious "Edmunds Act" found Franklin D. Richards still the judicial

head of Weber County. And as his situation at that hour, coupled with subsequent events of historical value brought him into most prominent individual contact with the political provisions of this law and its amendments, the biographer deems this the proper place in which to review the most redoubtable effort ever made by the minority to gain political ascendancy in Utah Territory.

The object asserted to be attained by the Edmunds Act was three-fold: The punishment of polygamy and bigamy; the ostensible punishment of unlawful cohabitation, and the disfranchisement and disqualification from office of all polygamists, bigamists, and persons practicing unlawful cohabitation. It is to the third branch of this trifoliate object that we now refer.

This was the most important feature in the law, in the estimation of the chief workers in the Liberal party of Utah, and they began very early the effort to secure the supposed vast political advantages of its enforcement. When the President of the United States failed to appoint the commissioners in time to enable them to prepare for the general election of August, 1882, it became apparent that the then incumbents—almost universally belonging to the People's Party—would find it legally requisite to hold over, at least until the August of 1883, and until their successors could be elected and qualified. In this emergency, the arch-schemers prevailed upon the three Justices of the Supreme Court of the Territory to address a letter to Congress, requesting immediate intervention to prevent anarchy. This supererogatory document was extremely adroit, and it was explained and amplified in personal communications with influential men at Washington. It is given herewith:

"The undersigned Judges of the Supreme Court of the Territory of Utah, respectfully represent: That the Edmunds bill, so called, vacates all registration and election offices in Utah; that by reason of this, no registration of voters has been made in this Territory this year, which the local law requires to be done in May and revised the first week in June, and none but registered voters can vote; that by reason of such failure of registration and lack of election officers, the election fixed for the first Monday in August, 1882, cannot be held; that at such election there would have been chosen successors to all the present county officers, and also to the Territorial Auditor and Treasurer as directed by Territorial statutes; that those successors cannot now be chosen for the reasons given; that this failure to elect is liable to cause general disturbance and trouble, and especially in view of the well-known fact that many of the present incumbents are understood to be polygamists, and so disqualified under the law above referred to, to hold office. We therefore ask that Congress shall take such measures as will provide for legal successors to all the present incumbents of office whose successors would have been chosen at the August election, and thereby secure the continuance of good order and the regular and undisputed support of organized government, which otherwise would be seriously jeopardized.

"We have delayed this representation as long as possible, hoping for the advent of the election commissioners, but they have not yet come.

"Dated July 20th, 1882.

"JOHN A. HUNTER, Chief Justice;
"PHILIP H. EMERSON, Associate Justice;
"STEPHEN P. TWIST, Associate Justice;
"*Supreme Court of Utah.*"

The dire effects which might have flowed from the hints contained in the letter and the insidious suggestions made personally by the projectors, were measurably obviated by the earnest effort of Utah's friends; and the following comparatively mild, but thoroughly useless enactment, since known as the "Hoar Amendment," was passed as a rider to an appropriation bill:

"The Governor of the Territory of Utah is hereby authorized to appoint officers of the said Territory, to fill vacancies which may be caused by a failure to elect on the first Monday in August, 1882, in consequence of the provisions of an act entitled 'An Act to amend section 5,352 of the revised statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22d, 1882, to hold their offices until their successors are elected and qualified under the provisions of said Act. Provided, that the term of office of any of said officers shall not exceed eight months."

The difference between the request and the grant must be apparent to every thoughtful reader. The effort was to obtain an enactment, dispossessing the vast majority of officials holding place under the expressed will of the people of Utah, and instate in their stead, by executive appointment or other undemocratic method, some hundreds of persons repugnant to the majority of citizens: while the result was to secure for the Governor merely the right to fill *vacancies* occasioned by the failure to elect in August, 1882—a most significant difference.

But in pursuance of the original plan, which had not contemplated and could not brook defeat,

this Hoar amendment was assumed as full authority for the project of arbitrary political confiscation; and the Governor and his advisers appointed persons of their affiliation to nearly all of the Territorial, county and precinct offices—aggregating some hundreds.

Among the early and important appointments made was that of James N. Kimball to be Probate Judge of Weber County; and on the 2d day of October, 1882, he demanded the office from Franklin D. Richards. Being refused, he made application to one of the judges, whose name is attached to the letter quoted above, for a writ of mandate compelling the relinquishment of the office and its records, powers and emoluments in his behalf. This was the first movement of the kind on the part of the Governor's appointees; and it placed Franklin D. Richards at once in the breach to maintain a defense for himself and all his coadjutors. It had been the desire of many of the appointees and their backers, to organize a general plan of attack all along the line; but Mr. Kimball desired the honor of leading the van against a fortress which he thought would surely be easily won and might possibly be surrendered without a struggle. The usual method of testing a question of this character, where each party claims to be the legal officer, is by proceeding in *quo warranto*, under which the legal title to the office is first carefully and judicially determined, without the haste characterizing mandamus. When the plaintiff sought the latter remedy, he was reaching for what seemed a conclusive advantage. With courts already committed in his behalf, he assumed that the title was not even in dispute and that the court, under its strangely unnecessary and partisan prejudgment, could not fail to grant him a peremptory writ. All the parties interested on either side in the Territory now prepared to await the issue of this particular contest.

Judge Richards had not held the office for personal or family pleasure and profit; he had been intending to withdraw at the next election; and there was considerable financial risk and personal annoyance and jeopardy in an attempt to defeat before the courts of Utah, in that excited, ambitious hour, this project to seize his office. If he failed the pecuniary loss would be his own, but the disaster would affect the whole Territory; if he won, the gain would be for the people and for the man whom they would next select for the office. These considerations decided his unselfish mind. His son Franklin S. Richards was engaged as leading counsel for the defense with able associates; and a vigorous fight began in the First District Court and continued through the Supreme Court of the Territory.

The points raised by the plaintiff were that the term of office of the defendant Franklin D. Richards as Probate Judge, expired on or about the first Monday in August, 1882; that he was at that time and during the progress of the suit, a polygamist, and therefore not entitled to hold office; that plaintiff had been appointed and commissioned to this office by Eli H. Murray, Governor of Utah Territory; that plaintiff had vainly demanded said office with its records from defendant; and that plaintiff had no plain, speedy, or adequate remedy at law for the wrongs alleged to be suffered by him; wherefore plaintiff prayed for a writ of mandamus compelling the defendant to deliver to him the office of Probate Judge and the records thereof.

In demurrer, subsequent answer, and later on appeal, the principal points made by the defense were briefly these: Proceedings for writ of mandate could not be maintained to test the disputed title to an office. Plaintiff had filed no bond for the faithful performance of his official duties. The Hoar amendment only authorized the Governor to appoint officers to fill *vacancies*; but there was not and could not be any vacancy in this case, and therefore the Governor's appointment and commission were absolutely worthless, for Franklin D. Richards had been elected under the law and commissioned by the same governor to hold this office "for the term of two years [from the first Monday in August, 1880] and until his successor should be elected and qualified." This latter provision, in case of a failure to elect a successor at the regular period, has been universally held to extend the term of the then incumbent until such time as the legal election could be held—be that space long or short, and such time of "holding over" becomes a part of the legal term itself; *this Hoar amendment did not create vacancies*, the language of the enactment having been evidently chosen to prevent that result. If the defendant was a polygamist he could not for that reason be ousted from his office until his status had been judicially determined; and this had never been done.

Notwithstanding the strong showing made by the defense, every point was ruled against Judge Richards by the District and Supreme Courts of the Territory. Even then the case was not yielded, but was appealed to the Supreme Court of the United States.

Judge Richards held the office, maintained the rights of the people, and defended the position of his hundreds of coadjutors in Utah "*until his successor was elected and qualified.*" After the term for which Mr. Kimball was appointed had expired, as no further public good could be achieved by a maintenance of the suit, and as Mr. Richards had no private interests at stake, a

satisfactory compromise was effected and the matter was forever settled without having been passed upon by the Supreme Tribunal of the land.

Franklin's devotion to duty was ably seconded by the skillful manner in which delay was obtained and the advantage possessed by his opponent before the courts was neutralized. In the shrewd management and laborious work connected with this case he had two constant assistants in the persons of two of his sons, Franklin S. and Charles C. Richards, lawyers of understanding and probity, who are now defending the religious rights of the people, with the same vigor exhibited in the political contest of their father.

Thus the offices were retained in the hands of the people, and soon the humiliating discovery was made by the ambitions Liberal politicians that their project of disfranchisement had also failed of its object. It was only after this discovery that the Edmunds Act held no political comfort for the minority here, that the "raid" against the practicers of plural marriage was begun. The historical continuation of this Congressional and Judicial attack upon the people of Utah, is comprised in other articles succeeding this biographical sketch.

The exigencies of printing this volume have made the biography but the tame chronological narration of events in the life of Franklin D. Richards. But at the hour of publication the reviewer seizes a moment in which to give a warmth of truthful coloring to this panorama of a human career.

Franklin Dewey Richards had inherently the qualities fitting him to become an unselfish disciple of a sainted but unpopular prophet. Viewing all his early surroundings and the devotion and steadfastness of his first years, the apostolic destiny of the man is clearly manifest to the eye of the historian. Mark the almost miraculous manner in which he was preserved from becoming a trammeled student of divinity in a theological seminary, and graduating as an orthodox preacher of a sectarian gospel; observe the glorious, lonely pilgrimage of the boy from a comfortable home across an unknown land into the cruel wilderness already gory with martyr blood; see him in all the trying hours of those first years of want and wandering, of toil and sickness, marvelously preserved from physical death or religious decay—knowing no other courage than faith in Christ, and seeking no higher reward than to be accounted His most humble instrument. The flint of truth struck fire to his soul; and his first ministry showed an enthralling desire to kindle the sacred flame in other hearts. Throughout his entire life this wondrous unselfish earnestness in the gospel cause has irradiated his conduct; it has impressed thousands of truth-seekers with reverential love; and it has enabled him to reach converts and gather helpers where a man of less exalted devotion would have failed. All the boasted but shallow learning of a New England theological university might have been vainly expended in an effort to win to the gospel such a ripe scholar and cultured gentleman as Karl G. Maeser, the German professor, and his relatives and associates; but the fiery zeal and untaught eloquence of the young Franklin were irresistible. It was so with the aids whom he obtained; for in England the native elders who rallied to the support of his presidency were such men as George Teasdale, Thomas Wallace, William Budge, Joseph Stanford, James Linforth, Thomas Williams, John Jaques, Charles W. Penrose, Edward W. Tullidge, and a score of others who were then or have since become eminent.

The Richards family is noted for the precocity of its members; and Franklin was of tc pure a strain to lack this hereditary trait. There is a popular opinion that early bloom of the intellectual powers is followed by early decay; but this Apostle proves that the theory is not universally true, for he was worthily famous at twenty-five years of age, and he has steadily progressed for more than a third of a century. This is no less true of his physical strength than of his mental qualities; at fifteen he was delicate, at sixty-five he is robust. The Richards's are also noted for their family pride and family devotion; the greatness of one is the greatness of all; the misfortune of one is the misfortune of all. They like to have their chief; and when Willard died, they chose, regardless of age, the most eminent among them for his successor.

As an Apostle, Franklin merges into his exalted calling all the ardor of his youthful ministry; upon the open pages of his apostleship are written the words: "To follow Thee steadfastly and humbly, my Savior."

As a student of law he sought its majesty and avoided its chicanery. This principle he maintained in expounding the law in his court and to his sons.

As a legislator he was discriminating and sagacious—drawing from a well of thought and knowledge, wisdom and equity.

As a Judge, he carried "in the one hand chastisement—in the other, mercy."

As a soldier, in his brief experience, he evinced the courageous and patriotic characteristics of his ancestors.

As a scholar, he has outstripped the majority of collegians. Wherever his lot has been cast, books have been his constant companions; and he has compared their lessons with his own clear observation of men and things; until to-day, for general information, he is probably the peer of any man in the church.

As a humane and courteous gentleman, he is the delight of his acquaintenances. His politeness is not a mask; it springs from tenderness of soul. His kindness shows best and greatest when most needed by the recipient. His is the simple greatness which has to place no cruel guard upon its own dignity, but can stretch down from its shining height to lift into his pure air the unfortunates of earth. He has never felt the fear that he would sully his own grandeur in the public gaze by giving sympathy and aid to those who are struggling against adversity—no matter whether their fate has been wrought by their own follies or by innocent misfortune. There may be among this people, men who are more distinguished, men who are more exalted—more self concentrated, men who are greater politicians and orators; but this biographer ventures the assertion that there is not the man who has in his heart more real goodness than has Franklin D. Richards.

But the man has one conspicuous weakness. He is not what the word calls a financier; for with his opportunities he might have been almost a money king, and yet he is a poor man. He has been lacking in selfishness and in personal aggressiveness; he has been deficient in a desire for personal or family financial aggrandizement, which desire, though very estimable, is somewhat likely to detract from successful labor a a simple, modest proclaimer of the word. Franklin has always been able to manage with ability and integrity such financial affairs of the Church as have come within his purview; but he has not schemed for himself. Wealth is great and useful. We all acknowledge its power, and most of us kneel before it. But, after all, it is refreshing occasionally to encounter a man who would never allow money getting to stand for an instant between him and his whole soul's devotion to the everlasting gospel. With this view, Franklin's great weakness may be deemed to be a monumental virtue.

Here we leave the subject of this sketch. He is more full of industry and vigor than he was thirty years ago, if that be possible; and before his marked destiny shall have completed its course, he may well expect to see the next century past its infancy and his people sailing in less troubled waters.

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## LORENZO SNOW.

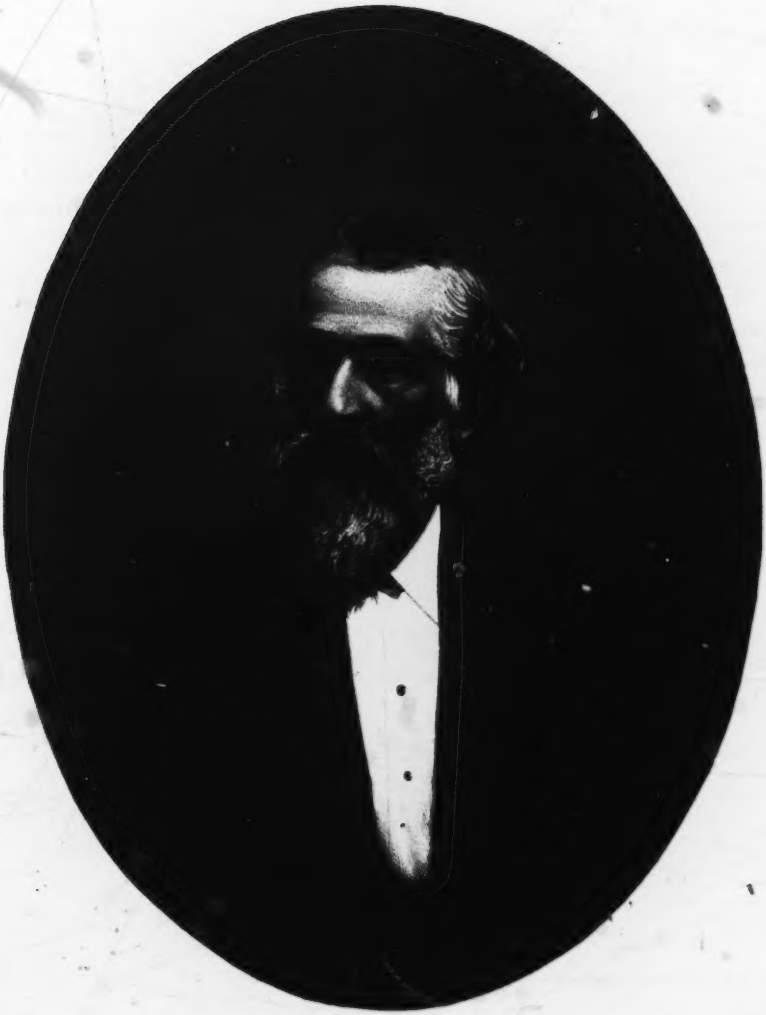
The distinguished Apostle of the Mormon Church, Lorenzo Snow, was born April 3d, 1814, in Mantua, Portage County, Ohio. His father and mother were New England born, being descended from the genuine Puritan stock.

In childhood Lorenzo exhibited a decision of character which has been conspicuously apparent in subsequent life. After improving the best advantages afforded in common schools, he went to "Oberlin College" to complete his education.

Two of his sisters being residents of Kirtland, Ohio, where the Latter-day Saints were then located, on leaving college he went there on a visit, but without the most distant thought of ever uniting his interests with that people. However, on acquaintance, he became convinced of the truth of the doctrines they professed, was baptized, and soon ordained an elder, and sent forth "without purse or scrip," to preach the gospel, like the disciples of old.

Like a veteran soldier constantly at his post, from that time to this, Lorenzo Snow has been an active missionary in the cause he espoused—either at home or abroad, wherever his labors were required—having performed several missions in this as well as in foreign countries.

In 1837, with his father's family, he moved to Daviess County, Missouri, and in the next spring, when he was filling a mission in the South, his people were driven from Missouri into Illinois, where



*Lorenzo Snow*

he joined them, and, after performing a mission to the Eastern States in 1840, he was sent on his first mission to Europe. In England he succeeded his predecessors in the presidency of the London conference, and after the Twelve had left England, he acted as counsellor to Parley P. Pratt, who presided over the European mission.

A pamphlet entitled "The only Way to be Saved," which Elder Snow published while on this mission, has been translated into every language, where the fulness of the gospel has been preached under the Mormon dispensation.

At the close of this mission of nearly three years, he took charge of a large company of Saints, with whom he safely landed in Nauvoo, *via* New Orleans and the Mississippi River.

Before leaving England, President Brigham Young, who had succeeded in raising means to publish the Book of Mormon, gave directions for copies to be specially prepared and richly bound for presentation to her Majesty and the Prince Consort. The honor of this devolved upon Lorenzo Snow, who was at that time president of the London conference. The presentation was made in 1842, through the politeness of Sir Henry Wheatly; and it is said her Majesty condescended to be pleased with the gift. Whether she ever read the Book of Mormon is not known, although if the presentation has not altogether faded from her memory, Mormonism has been since that date sensational enough to provoke even a monarch to read the book, if for nothing better than curiosity; so, not unlikely Queen Victoria has read some portions, at least, of the Book of Mormon. The unique circumstance called forth from the pen of Eliza R. Snow a poem, entitled "Queen Victoria."

In the winter of 1845-6, he, with his family, crossed the Mississippi River, and joined the mass of pilgrims from their beautiful city, in that strange and eventful exodus of the nineteenth century, "From the Land of the Free and the Home of the Brave" (!); stayed in Pisgah until the spring of 1847, when, taking charge of a train of one hundred wagons, he arrived in Salt Lake City in the autumn following. The next winter he was ordained into the quorum of the Twelve, and in the ensuing autumn called to go to Italy to introduce and establish the gospel in that land; his mission also extended to other nations and countries wherever opportunity should present.

After an absence of nearly three years he returned home *via* Malta, Gibraltar, Liverpool and New York, and in the following autumn was elected a member of the Utah Legislature.

The next mission of importance was to locate fifty families in Box Elder County, sixty miles north of Salt Lake City, where a small settlement had been formed, which, for want of the right master-spirit, had lost every vestige of enterprise, and was minus all aim in the direction of advancement. To diffuse active energies into this stereotyped condition of things, was not unlike raising the dead, and a man of less strengh of purpose would have faltered. Not so the one in question. He went to work, laid out a city, naming it "Brigham," in honor of the President of the Church, moved his family to the new city, and thus laid the foundation for the great financial co-operative enterprise that he there built up.

When the county was organized, by the authority of the Legislature, he took the presidency, as a stake of Zion, which position he still holds. He was elected member of the Legislative Council to represent the district composed of the counties of Box Elder and Weber, and served for a long while in that capacity.

A number of years ago, with Elders E. T. Benson and J. F. Smith, he visited the Sandwich Islands on important matters relative to the interests of the Saints on those Islands.

In 1872 he accompanied President George A. Smith on a tour through Europe, Egypt, Greece and Palestine. While in Vienna, on his return, he received information of his appointment as assistant counselor to President Young.

As a missionary he has traveled over one hundred and fifty thousand miles. Probably none of his compeers have been longer in the field, or traveled more, in preaching the gospel among the nations of the earth.

The foregoing brief passages of his life are given, not as an adequate sketch, but to introduce that noble scene in his life when he, as an apostle of his church, stood in the court of an earthly judge to receive sentence for his religious faith.

On Saturday, January 16th, Apostle Snow's case came up in the First District Court at Ogden. His attorney, F. S. Richards, made a few remarks setting forth the general good character of defendant, and requested that Apostle Snow's age and the fact that he had been convicted on three separate indictments be taken into consideration.

Judge Powers then said: Mr. Snow, you may stand up. In indictment No. 743, Mr. Snow, you were indicted by the grand jury of this district and charged with the crime of unlawful cohab-

itation during the year 1884. In indictment No. 742, you were charged with the crime of cohabitation during the year 1885, and in indictment No. 741 you were charged with cohabitation during the year 1883. You have been tried by a jury in each of these cases, and in each case a verdict of guilty has been found. Have you anything to say now why the sentence of the law should not now be passed in each case?

Mr. Snow—I will say, your honor, that I will not detain the court more than five or ten minutes, and will be as brief as possible.

"Your Honor, I wish to address this Court kindly, respectfully and especially without giving offense. During my trials under three indictments, the Court has manifested courtesy and patience, and I trust your honor has still a liberal supply, from which your prisoner at the bar indulges the hope that further exercise of those happy qualities may be anticipated. In the first place, the Court will please allow me to express my thanks and gratitude to my learned attorneys for their able and zealous efforts in conducting my defense.

"In reference to the prosecuting attorney, Mr. Bierbower, I pardon him for his ungenerous expressions, his apparent false coloring and seeming abuse. The entire lack of evidence in the case against me on which to argue, made that line of speech the only alternative in which to display his eloquence; yet, in all his endeavors, he failed to cast more obliquy on me than was heaped upon our Savior.

"I stand in the presence of this Court a loyal, free-born American citizen; now, as ever, a true advocate of justice and liberty. 'The land of the free, the home of the brave,' has been the pride of my youth and the boast of my riper years. When abroad in foreign lands, laboring in the interest of humanity, I have pointed proudly to the land of my birth as an asylum for the oppressed.

"I have ever felt to honor the laws and institutions of my country, and, during the progress of my trials, whatever evidence has been introduced, has shown my innocence. But, like ancient Apostles when arrainged in Pagan courts, and in the presence of apostate Hebrew judges, though innocent, they were pronounced guilty. So myself, an Apostle who bears witness by virtue of his calling and the revelations of God, that Jesus lives—that he is the son of God; though guiltless of crime, here in a Christian court I have been convicted through the prejudice and popular sentiment of a so-called Christian nation.

"In ancient times the Jewish nation and Roman empire stood *versus* the Apostles. Now under an apostate Christianity, the United States of America stands *versus* Apostle Lorenzo Snow.

"Inasmuch as frequent reference has been made to my Apostleship, by the prosecution, it becomes proper for me to explain some essential qualifications of an Apostle.

"First, an Apostle must possess a Divine knowledge, by revelation from God, that Jesus lives—that He is the Son of the living God.

"Secondly, he must be divinely authorized to promise the Holy Ghost; a Divine principle that reveals the things of God, making known His will and purposes, leading into all truth, and showing things to come, as declared by the Savior.

"Thirdly, he is commissioned by the power of God to administer the sacred ordinances of the gospel, which are confirmed to each individual by a Divine testimony. Thousands of people now dwelling in these mountain vales, who received these ordinances through my administrations, are living witnesses of the truth of this statement.

"As an Apostle, I have visited many nations and kingdoms, bearing this testimony to all classes of people—to men in the highest official stations, among whom may be mentioned a president of the French Republic. I have also presented works embracing our faith and doctrine to Queen Victoria and the late Prince Albert, of England.

"Respecting the doctrine of plural or celestial marriage to which the prosecution, so often referred, it was revealed to me, and afterwards in 1843, fully explained to me by Joseph Smith, the Prophet.

"I married my wives because God commanded it. The ceremony, which united us for time and eternity, was performed by a servant of God, having authority. God being my helper, I would prefer to die a thousand deaths than renounce my wives and violate these sacred obligations.

"The Prosecuting Attorney was quite mistaken in saying 'the defendant Mr. Snow was the most scholarly and brightest light of the Apostles;' and equally wrong when pleading with the jury to assist him and the 'United States of America,' in convicting Apostle Snow, and he 'would predict that a new revelation would soon follow changing the Divine law of celestial marriage.' Whatever fame Mr. Bierbower may have secured as a lawyer, he certainly will fail as a prophet. The severest

prosecutions have never been followed by revelations changing a Divine law, obedience to which brought imprisonment or martyrdom.

"Though I go to prison, God will not change His law of celestial marriage. But the man, the people, the nation, that oppose and fight against this doctrine and the Church of God will be overthrown.

"Though the Presidency of the Church and the Twelve Apostles should suffer martyrdom, there will remain over 4,000 Seventies, all Apostles of the Son of God, and were these to be slain, there would still remain many thousands of High Priests, and as many or more Elders, all possessing the same authority to administer gospel ordinances.

"In conclusion, I solemnly testify, in the name of Jesus, the so-called Mormon Church is the Church of the living God; established on the rock of revelation, against which 'the gates of hell cannot prevail.'

"Thanking your Honor for your indulgence, I am now ready to receive my sentence."

At the close of the reading the Court said:

"Mr. Snow, the Court desires to ask you, for its own information, what course you propose to pursue in the future concerning the laws of your country?"

Mr. Snow.—"Your Honor, in regard to that question; I came into this court—the prosecuting attorney had, perhaps, sixteen witnesses. By the evidence of those witnesses I was proved guiltless of the charge contained in the indictments. I had three witnesses. Only two of them were able to testify anything in relation to my case. There was not, your Honor, one scintilla of evidence showing that I had cohabited during the last three years, or since the passage of the Edmunds law, with more than one woman. This, your Honor, I believe, would readily concede. Well, I have obeyed that law. I have obeyed the Edmunds law. Your Honor, I am guiltless, I am innocent. Well, now, your Honor asked me what I am going to do in reference to the future. Having been condemned here and found guilty after having obeyed that law, I am sorry—I regret that your Honor should ask me that question, and, if your Honor please, I should prefer not to answer it."

Court.—"The Court, Mr. Snow, from its own knowledge of you and from your reputation, which came to the Court before you ever were arraigned here, became and is aware that you are a man of more than ordinary ability. The Court is aware that you are scholar. The Court is aware that you are naturally a leader of men; that you have a mind well adapted to controlling others, and for influencing and swaying others, and for guiding others. No matter in what land you might have lived, or in what position you might have been placed, you have those attributes which would naturally have caused people to turn towards you for advice and for counsel. You are a man well advanced in years, and you have been favored by time, because it seems to have touched you but lightly with its finger.

"The Court feels that, in view of your past life, of the teachings that you have given to this people, of the advice and counsel that you desire to stand as an example of one who advocates, and the jury has found, also, practices in violation of the law, the Court must pass sentence in these cases in a way and manner that will indicate to this people that the laws of the land cannot be violated with impunity, even by one as aged, as learned and as influential as yourself.

"The sentence of the court, therefore, is: That in indictment No. 741 you will be confined in the penitentiary for the period of six months; that you pay a fine of $300 and the costs of prosecution, and that you stand committed until the fine and costs are paid; and that at the expiration of your sentence in that case, that to you must be given—believing as you state to me you do believe concerning the laws of your country; and recognizing, further, that you are among the very leaders—a leader of leaders among those who advocate that it is right that the law of the land should be violated, it cannot exercise the leniency and the mercy that it would be glad to extend to a man of your age, if it were not for your great influence and your great power for good or for evil. I sincerely believe that Lorenzo Snow could cause this people to obey the laws of the Union, and put an end to the trouble and discord in this Territory, if he chose so to do. Believing that, and being fully aware that you will not do that—aware of indictment No. 742—you will be confined in the penitentiary of Utah for the period of six months and pay a fine of $300 and the costs of prosecution, and that you stand committed until the fine and costs are paid; and that at the expiration of your sentence in that case, that in indictment No. 743 you will be confined in the penitentiary for the period of six months, and that you pay a fine of $300 and the costs of prosecution, and that you stand committed until the fine and costs are paid.

"You will be remanded into the custody of the United States Marshal."

The case of Lorenzo Snow was carried up to the Supreme Court of the United States [see

sketch on his attorney F. S. Richards]; and after its decision, the new Governor, Caleb W. West, visited the Penitentiary, accompanied by Marshal Ireland, Secretary Thomas, Mr. Adam Patterson (the court reporter) Mr. W. C. Hall and Mr. Webb.

Apostle Snow having been brought into the room where the Governor awaited him, his Excellency informed him that he had come to submit to him a proposition consented to by Judge Zane and Mr. Dickson, as follows: "I have come to say to you and your people here that we would unite in a petition to the Executive to issue his pardon in these cases upon a promise, in good faith, that you will obey and respect the laws, and that you will continue no longer to live in violation of them;" to which Apostle Snow replied:

"Well, Governor, so far as I am concerned personally, I am not in conflict with any of the laws of the country. I have obeyed the law as faithfully and conscientiously as I can thus far, and I am not here because of disobedience of any law. I am here wrongfully convicted and wrongfully sentenced."

A long conversation then ensued, the pith of which will be found in the subjoined document. After this conversation the rest of the Mormon prisoners were called out and addressed by the Governor, with his proposition; the answer was not required until they had duly weighed the matter. In due time the answer came, as follows:

"UTAH PENITENTIARY, MAY 24th, 1886.

"*To His Excellency, Caleb W. West, Governor of Utah:*

"SIR.—On the 13th instant you honored the inmates of the penitentiary with a visit, and offered to intercede for the pardon of all those enduring imprisonment on conviction under the Edmunds law, if they would promise obedience to it in the future, as interpreted by the courts. Gratitude for the interest manifested in our behalf claims from us a reply. We trust, however, that this will not be construed into defiance, as our silence already has been. We have no desire to occupy a defiant attitude towards the Government, or be in conflict with the Nation's laws. We have never been accused of violating any other law than the one under which we were convicted, and that was enacted purposely to oppose a tenet of our religion.

"We conscientiously believe in the doctrine of plural marriage, and have practiced it from a firm conviction of its being a divine requirement.

"Of the forty-nine elders of the Church of Jesus Christ of Latter-day Saints now imprisoned in the penitentiary for alleged violation of the Edmunds law, all but four had plural wives from its passage to thirty-five years prior to its passage. We were united to our wives for time and all eternity by the most sacred covenants, and in many instances numerous children have been born as a result of our union, who are endeared to us by the strongest paternal ties.

"What the promise asked of us implied you declined to explain, just as the courts have done when appeals have been made to them for an explicit and permanent definition of what must be done to comply with the law.

"The rulings of the courts under this law have been too varied and conflicting heretofore, for us to know what may be the future interpretations.

"The simple status of plural marriage is now made, under the law, material evidence in securing conviction for unlawful cohabitation, thus, independent of our act, ruthlessly trespassing upon the sacred domain of our religious belief.

"So far as compliance with your proposition requires the sacrifice of honor and manhood, the repudiation of our wives and children, the violation of sacred covenants, heaven forbid that we should be guilty of such perfidy; perpetual imprisonment, with which we are threatened, or even death itself, would be preferable.

"Our wives desire no separation from us, and were we to comply with your request, they would regard our action as most cruel, inhuman and monstrous, our childen would blush with shame, and we should deserve the scorn and contempt of all just and honorable men.

The proposition you made, though prompted doubtless by a kind feeling, was not entirely new, for we could all have avoided imprisonment by making the same promise to the courts; in fact, the penalties we are now enduring are for declining to so promise rather than for acts committed in the past. Had you offered us unconditional amnesty, dearly as we prize the great boon of liberty, it would have been gladly accepted; but we cannot afford to obtain it by proving untrue to our conscience, our religion and our God.

As loyal citizens of this great Republic, whose Constitution we revere, we not only ask for, but claim our rights as freemen and, if from neither local or national authority we are to receive equity

and mercy, we will make our appeal to the Great Arbitrar of all human interests, who in due time will grant us the justice hitherto denied.

"That you may, as the Governor of our important but afflicted Territory, aid us in securing every right to which loyal citizens are entitled, and find happiness in so doing, we will ever pray."

This document was signed by Lorenzo Snow, Abram H. Cannon, Hugh S. Gowans, Rudger Clawson, Wm Wallace Willey, David M. Stuart, Henry W. Naisbitt, L. D. Watson, Culbert King, Wm. D. Newsom, William Grant, John Price Ball, Amos Maycock, Oluf F. Due, John Y. Smith, John Wm. Snell, Henry Gale, Thomas C. Jones, John Bowen, Wm. G. Sanders, Andrew Jensen, John Bergen, Joseph H. Evans, James E. Twitchell, Geo. C. Lambert, George H. Taylor, Helon H. Tracy, James Moyle, Hyrum Goff, H. Dinwoodey Joseph McMurrin, Herbert J. Foulger, Stanley Taylor, James H. Nelson, Frederick A. Cooper, James O. Poulson, Robert McKendrick, Robert Morris, Samuel F. Ball, S. H. B. Smith, Geo. B. Bailey, Nephi J. Bates, John Penman, Thos. Burmingham, Wm. J. Jenkins, Thomas Porcher, C. H. Greenwell, William H. Lee.

The conduct of Governor West, in the case, exhibits a noble example of the Nation's magnanimity and his own great heartedness and humanity. Doubtless it also fairly represented the wish and intent of President Grover Cleveland towards the Mormon community. But Apostle Lorenzo Snow, and his compeers in bonds, could only answer as they have done, maintaining the integrity of their cause and the righteousness of their lives. Even were it possible to accept the amnesty, it would have to be done by the voice of the whole Chuich. Judge Powers and the Governor, as also all others of their class generally, have a misconception when they think that any one of the Apostles could lead the Mormon people in a schism over the patriarchal systems of their church, of which plural marriage is the keystone of the arch. Had Lorenzo Snow accepted the offer of Governor West—noble and magnanimous in him, the mediator—he, the Apostle, would have been transformed in the eyes of his Church, to the image of deformity and would no longer have been one of its Apostles. In fine, the last act and conduct of Lorenzo Snow is eminently consistent with his distinguished Apostolic life and character.

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## ANGUS M. CANNON,

The brother of the distinguished Apostle, George Q. Cannon, is the son of George Cannon and Ann Quayle, whose mothers were first cousins. They were born at Peel, Isle of Man.

Angus was born in Liverpool, Lancashire, England, May 17th, 1834. At the age of three and a half years he went to live with his grandmother Quayle. This is his earliest recollection. His father and mother were baptized in Liverpool on the 11th of February, 1840, by Apostle John Taylor, who had married Leonora, sister of Captain Cannon. Angus was blessed in the Church the same year.

The family, composed of parents and children—George Q., Mary Alice, Angus M., Ann, David Henry and Leonora, in the summer of 1842, took passage with a company of Saints in the ship *Sidney*, presided over by Elder Levi Richards. On the second day out the mother was taken sick, and after a six weeks' illness, she died and was buried in the ocean. She had anticipated this fate [see sketch on George Q.]—but she could not be deterred from undertaking the voyage to gather her children to the bosom of the Church; such was the exalted religious nature of this Apostolic mother, two of whose sons were destined to become leaders in the Church.

After a voyage of eight weeks the family reached New Orleans and finally St. Louis, where they spent the winter, and in the spring of 1843, they went up to Nauvoo with a company of Saints on the *Maid of Iowa;* the boat was owned by the Church and commanded by Captain Dan Jones.

In the summer of 1843, Angus and his brothers and sisters were prostrated with fever and ague, and young Angus was anxious to be baptized for fear he would die without the administration of the

ordinance. In his youthful earnestness he delighted to hear the instructions of Joseph and Hyrum, and was especially inspired with the Prophet's forecast of the future. When the Prophet delivered his famous speech to the Nauvoo Legion, in full dress as their Lieut.-General, these feelings were intense; but beyond the power of his description is the memory still retained in Angus Cannon's mind of the awful night of the martyrdom—June 27th, 1844.

In 1844 his father married Mary Edwards, a widow from North Wales. He went to St. Louis and died during that fall. His daughter Elizabeth is the issue of that marriage. The same fall Angus was baptized at Nauvoo by L. O. Littlefield, and was confirmed on the river bank.

Charles Lambert married Mary Alice Cannon, and became administrator of Mr. Cannon's estate and guardian of the children.

In the fall of '46, after the battle of Nauvoo the family were driven with the Saints across the river, on the banks of which they laid for a while, exhausted and suffering from hunger, which was relieved by the miracle of a flock of quails flying into their camps and even into their tents. The famishing exiles caught the birds and thus preserved themselves from starvation.

On his way to Winter Quarters Angus worked for supplies. At Winter Quarters they built a house. The Indians killed their cattle in the winter, and Angus, in company with Charles Lambert, went to Missouri to get an outfit. He started West in 1848, but his outfit went through the ice on the Missouri River and he had to return to Missouri, which hindered his journey till the Spring of 1849, when he walked from Missouri to Salt Lake Valley, driving stock and carrying a gun for hunting. He reached this city in October, 1849, the day after his brother George Q. started on his mission for California and the Sandwich Islands.

The next summer Angus farmed and hauled wood, and in November he went in George A. Smith's company that settled Iron County. They got there January, 1851. Angus herded the stock and made the first adobies. In May he returned to Salt Lake City and continued farming and canyon work till the fall of '52, when he went into the *Deseret News* office in the printing business.

At the April conference of 1852, he was ordained a seventy in the Thirtieth Quorum. In the fall of 1854, he went with Apostle Taylor on a mission to New York, to assist in the publication of the *Mormon*. His mother's brother, Captain Joseph Quayle, gave him money, and his mother's sister gave him a home in Brooklyn.

He was next sent to Hartford, Connecticut, to preach, which he did in various parts of that State. He returned to New York in May, and was next sent to labor in the Philadelphia conference under Jeter Clinton. During the summer he baptized ten persons. He next went to Franklin County, Pennsylvania, where he baptized twenty-one persons within one month. There he was joined by Geo. J Taylor, and others were baptized. In the spring of 1856, he succeeded Clinton in the presidency of the Philadelphia conference, which included New Jersey, Delaware and Eastern Maryland. In the spring of 1857, W. I Appleby was appointed to preside over the mission and Angus was appointed his first counselor and to superintend the emigration on this side of the Atlantic. The same fall the elders were released to come home in consequence of the "Buchanan war." Angus left Philadelphia in March, 1858, and started for the West, but he was taken down with lung fever and stayed at Crescent City a month. He had also previously the lung fever at Philadelphia.

In the beginning of May, 1858, he with one hundred elders started west and had an eventful journey; they arrived on the 21st of June. The Saints were on their "move south." Angus joined his brother George Q. at Fillmore. The brothers had not seen each other for eleven years. He returned to Salt Lake City and engaged in farming, teaming and printing as his health permitted.

In the fall of 1860, he started a company to manufacture potteryware, under the firm name of Cannon, Eardley & Brothers. In the fall of 1861, he was called on the "cotton mission." He located on the Rio Virgin and was associated on a committee to locate the City of St. George with Erastus Snow and Jacob Gates. A charter was granted during the winter, and Angus M Cannon was elected the first mayor of the city. He held the office two terms. He was also prosecuting attorney for Washington County, which office he filled for four years. He was afterwards elected by the legislature, prosecuting officer for the second Judicial District, for two years. In 1865, in the militia, he was elected major of the Iron Brigade, cavalry; and was afterwards elected lieutenant-colonel of the same regiment and commissioned by the governor.

In the fall of 1868 Angus was called to the management of the business department of the *Deseret News*, his brother, George Q., being the editor. He remained in that position till 1874, during which time he filled a six months' mission to the Eastern States, and traveled about 34,000 miles

inside of two years and a half. His health being feeble he resigned, August, 1874, and traveled extensively through the Territory to recruit his health, and engaging in business pursuits. In 1874 he was ordained a High Priest and set apart as a member of the High Council of the Salt Lake Stake of Zion, and at the April conference of 1876, he was called to preside over the Stake. In August of the same year he was elected Recorder of Salt Lake County for a term of four years, and re-elected in August, 1880. When the *Deseret News* Company was incorporated he was elected a director and vice-president of the company, and has been several times re-elected.

In 1883 he went east and ordered machinery for the new paper mill; and in these miscellaneous notes it may be named that in the spring of 1874 he was set apart as counselor to Bishop Thomas Taylor. He was with the expedition that went south to locate Call's Fort, on the Colorado, and with the company that recovered the body of Dr. Whitmore, killed by the Indians.

The life sketch of Angus M. Cannon, thus far, culminates with, to the Mormon people, the distinguishing historical circumstance of his going to the Penitentiary to maintain the integrity of the marriage relations of his church. We cannot follow the details of his case and trial (the subject of which is embodied in the sketch of his attorney, F. S. Richards), but will close with his marked conduct and address to the Court on the day when sentence was passed upon him, Saturday, May 9th, 1885.

The Court said: "Mr. Cannon, will you stand up, please?"

Mr Cannon stood up.

The Court.—"As you are aware, the jurors who tried the charge against you for unlawful cohabitation found you guilty, and the motion for a new hearing having been entered and overruled, it now becomes the duty of the Court to pronounce the judgment of the law. Have you anything further that you desire to say before sentence is pronounced? If so you can say it."

Mr. Cannon.—"Nothing."

The Court.—"As you are aware, the law gives the Court quite a wide discretion in the punishment imposed for this offense; in fact, the laws of the United States do that—give the court a discretion. The punishment here may be a fine not exceeding $300, or imprisonment not exceeding six months, or both; so that the Court has a discretion between a nominal fine, or a fine of $300, and imprisonment for six months. That being the case I would be very glad if you can suggest anything that would enable the Court to exercise its discretion in the light of all the facts which the Court has the right to take into consideration. One of these facts is—the Court is of the opinion, and it has so held on former occasions, particularly as the offense is a continuing one, like unlawful cohabitation—that the Court may inquire of the defendant as to what his purposes are in respect to obeying the law in the future and in his respect to his advice to others. I do not ask this, I wish you to understand, for the purpose of humiliation, or for the purpose of extorting from you, under pressure of circumstances, any statement whatever. You are at perfect liberty to answer or not answer, just as you please. Of course, if a man charged with a crime, convicted of a crime by a jury, says that he intends to obey the law in the future, and that he intends to use his influence upon the side of the law, it ought to be taken in his favor, ought to be so considered by the Court, as I think. And if any man satisfies me that he is in good faith in making this statement I should be very much disinclined to impose upon him imprisonment in the penitentiary. Information has come to my ears that some persons regard this as rather an imposition by the Court, intended by the Court to humiliate and oppress the defendant. I do not so regard it. The best men that have ever lived in this country have been proud to declare that they believe in the laws of their country. They glory in thousands of brave men that have died in its defense, to vindicate its laws. Now, if you desire to make any statement on that point you are at liberty to do so. I do not wish you to understand that I desire to oppress you or humiliate you in the least; but I would love to know if there are any paliating circumstances which the Court has not a knowledge of, I would love to know them before pronouncing sentence."

Mr. Cannon —"If your Honor please: It has been the rule of my life, since I have been married especially, to make my acts the evidence of my good faith. It has been the rule of my life, in the presence of my children, to invite their scrutiny of my conduct as evidence of my love. It has been the rule of my life, in the country that has become my adopted home, to which I have sworn allegiance, to make my conduct the evidence of my loyalty. I have scanned closely the evidence produced before the jury that returned a verdict of 'guilty.' I listened to Clara C. Cannon's statement, in answer to the prosecution, that she had been my wife up to the passage of the Edmunds act. As to my conduct towards her since that time she was debarred from answering by the objections of the prosecution. I was anxious to have the Court made familiar with my conduct. The only

evidence that I heard that would imply that I acknowledged one wife, or more than one wife, was from a son—my son, George M. Cannon—who stated that he had heard me say that I married my wives when there was no law against it. I was debarred from introducing any evidence to prove my good faith as evinced by my conduct. From the time that the Edmunds act became a statute—from that time to this—I have no knowledge that there was a scintilla of evidence given before the jury to justify a verdict of 'g uilty.' It was said by your honor that if there was any evidence to show that I had held out these two women as wives, then, if that evidence were reliable, they must return a verdict according. I reposed in calmness and serenity at that thought. For me to stand here and state what I will do in the future, conscious of having violated no provision of that statute; to give assurance that I will do a thing that may be beyond my control an hour hence; to tell what I may do with my allegiance to my country, I cannot. With all my soul I love the country, and love its institutions, and have sworn allegiance to it. When I did so I had no idea that they would pass a statute making my faith and my religion a crime. But having made that allegiance I can only say I have used the utmost of my power to honor my God, my family, my country and its laws. I have loved my children and I was gratified in hearing your honor say that the law had made my children equal heirs. From this I infer that had I died intestate my children would have been equal heirs before the law. This law was passed by men who had no sympathy with my children, that is, no such sympathy as a father is capable of exercising for his offspring. In eating with my children day by day, in showing an impartiality in meeting with them around the board where their mother was wont to wait upon them I was not conscious of crime. If the law-makers of my country provide that my children shall be treated impartially in the settlement of my estate, certainly I, their father, ought not to be held a criminal for having eaten with them and shown that impartiality and that care which every true father always will feel for his offspring. My record is before my country; the conscientiousness of my heart is visible to the God of heaven, who created me; and the rectitude that has marked my life and conduct with this people bears me up to receive such a sentence as your honor shall feel to impose upon me. I was pleased also when your honor stated to the jury and to the members of the court that my conduct towards these respective wives, and the expressions I might have used towards them, were those that should enter into consideration when sentence was being passed. As I have been debarred from giving evidence of my intention to maintain the laws of my country, and to honor the institutions that are provided under the Constitution, which I have loved and honored, my heart was made glad in the anticipation that your Honor would probably consider these things. Hence, I now submit and humbly bow to the decrees of this court, trusting to be able to bear up under any sentence that you may inflict in such a manner that shall give evidence to my children that I have not, at least, lost my manhood if I have been convicted." [Loud applause, against which the Judge protested, remarking, "This is a court house; you must keep quiet here!"]

The Court.—"I infer from your remarks that you have nothing further to say?"

Mr. Cannon.—"Nothing."

The Court.—"You decline, I see, to make any promise as to the future, which you would not be able to keep an hour hence?"

Mr. Cannon.—"I have never been in the habit of making my children promises; I have declined making them promises lest I should fail."

The Court.—"When a man has been convicted of an offense like this, which is, to some extent a continuing one, and when you decline to state whether you will obey the law in the future or not, whether you will advise others to obey it or not, the court, of course, cannot presume that that is your intention at this time. And further, if it is your intention not to obey the law as it was expounded and not to use your influence, so far as you may have it, on the side of the law, of course, the Court must take this circumstance, this fact, into consideration. The object of this law, the purpose of the discretion the Court has, is to prevent this crime of unlawful cohabitation. That is the purpose of the law, and the court is here to use the discretion which the law has given it, as the judgment of the Court will be, most likely to carry out the purpose of the law, that is to say, to prevent the recurrence of the crime of which the jury has convicted you, by the example of punishment. Under these circumstances I am of the opinion that the Court in this case—considering the extent of this punishment as compared with that for polygamy—would not be justified in giving you anything less than the extent imposed by the law—a fine of three hundred dollars and imprisonment in the penitentiary for six months."

## A. MILTON MUSSER.

Immediately after Mr. Cannon had been sentenced, the case of Mr. Musser was then called and Mr. Brown moved for a new trial, which motion was opposed by Mr. Varian.

The court overruled the motion, and then, addressing the defendant said: "Mr. Musser will you stand up, please?"

Mr. Musser stood up.

The Court.—"You are aware of the fact that the jury found you guilty of the crime of unlawful cohabitation. It now becomes the duty of the court to pronounce the sentence of the law. Have you anything to say?"

Mr. Musser.—"I have a communication, may it please the court, which Mr. Stayner, one of my counsel, will read, if the court will grant permission."

The Court.—"He may read it."

Mr. Stayner then read the following letter:

"SALT LAKE CITY, MAY 9, 1885.

"*To His Honor, Chief Justice Charles S. Zane, Third Judicial District, Utah Territory.*

"DEAR SIR.—In view of my having done in the past, according to my best understanding, all that I thought was required of me as a law-abiding citizen by conveying to my wives and to their heirs and assigns, respectively, their separate homes and homesteads, and finding that my conduct in this and other regards has not had the warrant of your honor's endorsement, I feel that I am justified in asking the court for the personal peace and safety of myself and my dear family, to definitely and specifically define what line of conduct will be the correct one for me to follow when I am released from the penitentiary, where I cheerfully go for the inestimable privilege I have heretofore enjoyed in 'holding out' my several wives before the public, without the least attempt to conceal the holy relations. I would also call your honor's attention to the noonday fact that my wives and children, individually and collectively, are as dear to me as your Honor's wife and children can possibly be to you, and that they have equal claims upon me, under the holy covenant I have made, to love, cherish, honor and tenderly care for them; all of which I have done to the best of my ability, and, as far as I know, to their entire satisfaction; also that my obligations to each and to all of them are of the most sacred, binding, and, as they and I firmly believe, eternal character.

"I now desire to have it clearly defined what course will be the safe and proper one for me to pursue to keep my contracts honorably with them, and yet live within the law as interpreted by you. honor during my trial, which rulings seem to me to be very cruel and oppressive, not to say subversive of good law and morals. Having used my very best judgment all through life respecting these vital matters, and it now being deemed unsound by your Honor, as witnessed by my position before the court to-day as a criminal, I most anxiously desire to obtain an expression from the Chief Justice of Utah, at this juncture of the court's proceedings in my case, respecting my definite and specific duties, as to what I am to do as a husband, father and good citizen, after I emerge from the Bastile, where I suppose the court will send me for having openly and affectionately 'held out' and cared for my lovable wives and children, who in all the mental and physical graces and endowments, natural and acquired, are the peers of their sisters elsewhere; for I cannot persuade myself to believe that this mighty and magnanimous republic, which your honor represents in such a dignified, distinguished and obviously impartial manner, would wittingly punish its citizens who are in every other respect law abiding and upright.

"Very respectfully, your humble servant,

"A. MILTON MUSSER."

The Court: "Is the communication which you have presented, Mr. Musser, through your friend, Mr. Stayner, the limit of your proposition? (Mr. Musser bowed in affirmation). It calls, at least it is proper, for the court to make a few remarks upon it. You ask what is necessary for you to do in order to comply with the law. A general statement would be, that it is necessary for you to live with but one wife, and treat but one of these ladies as your wife. The law does not forbid you from supporting your other wives—I think you state you have three—it does not forbid you from supporting these wives, and if they need your assistance and support, it would be your duty to assist

them if you have the means; but the law won't allow you to live with them ostensibly as your wives. The law permits you, of course, to bring up your children as best you can It is a duty you owe to them.

"The law does not prevent you from using your means and your counsel to fit your children, by any proper training, for the duties of life, and in fact, whether they are legitimate or not—I will say in fact, I suppose no one will deny it—it is a duty you owe to society to make good citizens of them by properly training them so far as you can; the law don't forbid that; but it will not permit you to live with but one of these women as your wife, and to live with more than one woman as a wife is a crime. Whatever your religious belief may be about it, the law of the United States has defined it as a crime. From the tenor of your communication I infer that you don't consider it a crime for a man to have more than one wife—to cohabit with them as such—and I infer that you claim that as a matter of religion. I wish here to correct an error—that is, in the judgment of the court—into which you have fallen right there. The church has its sphere and the State has its. It is true the Constitution of the United States says that "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof." But the Supreme Court of the United States have given an interpreation to that provision; Congress has given an interpreation of it in this act; the chief executive of the nation has given an interpretation of it by approving the law, and it is this: That so long as your religion consists of belief and worship it is protected by the Constitution; but when acts—overt acts—occur, the State has a right to control, and as there seems to be so much misunderstanding on this point, I wish to impress upon you the distinction. The Supreme Court of the United States (98th United States Reports, page 164), in the case of Reynolds *vs.* United States, referring to the views of the various statesmen who lived contemporaneous with the adoption of this first amendment, quote from Thomas Jefferson, who, in reply to an address to him by a committee of the Danbury Baptist Association, took occasion to say:

"'Believing with you, that religion is a matter which lies solely between a man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of the government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting the establishment of religion or prohibiting the free exercise thereof,' thus building a wall between church and state. Adhering to this expression of the supreme will of the Nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore man to all his naural rights, convinced he has no natural right in opposition to his social duties.'

"This was the statement of Thomas Jefferson, who was as strong an advocate of religious liberty, perhaps, as any satesman that has ever lived in this country. Then the Supreme Court, through the present Chief Justice, says:

"Coming as this does from an acknowledged leader of the advocates of the measure, it may be accepted almost as an authoritative declaration of the scope and effect of the amendment thus secured. Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order.

"And further along in the opinion the chief justice, speaking for the court, defines the matter with equal clearness.

"'Laws are made, says he, 'for the government of actions,' and while they cannot interfere with mere religious belief and opinion, they may with practices.

"The Supreme Court regard polygamy as a practice, and unlawful cohabitation as a practice, and therefore it is within the powers of the legislative department to forbid it. This must necessarily be so; because if any man or any church has a right to lay down a rule of conduct for its followers contrary to the law of the land, then the church is made superior to the state; the state if left to control such conduct only as the church don't choose to call religion; and if one church may lay down the line of conduct for its followers contrary to the will of the state, another may, and there would be a great conflict among those different believers, different religions, as to certain classes of conduct without any common arbitrator. Hence it is necessary, in the nature of things, that the state should have the power to control the actions of its citizens so far as it is necessary for the protection of life, liberty and property, and the protection of society. I make these remarks because I infer from your communication that you do not think that the state had the power to regulate this institution of marriage, or to prohibit polygamy and unlawful cohabitation.

Mr. Musser.—"Your honor's explanations are certainly very lucid, very logical, and very conclu-

sive. I have three wives, as I have admitted here in this communication. Now, am I at liberty to choose which one of the three I may continue to live with?

"The Court.—You may live with either one, as you choose, provided you live with her as your wife. Unlawful cohabitation consists in living with more than one woman as your wives. It would not be a violation of this law forbidding unlawful cohabitation if you were to live with one, and only one, even though she might not be your lawful wife.

"Mr. Musser.—May I ask the judge how intimate my relations may be with the other wives with whom I have made covenants the same—all of them alike, in fact, I mean outside of illicit relations—what must be my conduct and deportment in relation to the other two? I want to do what is right in regard to these matters; for in view of the evidence that was presented here in my case I thought I had been living pretty circumspectly; but it does seem, let the evidence be ever so frivolous and irrelevant, that a man is committed—indicted, in the first place, on a mere shadow—and convicted and punished when, to my mind, the evidence has been very insignificant. Now, I do not want to be entrapped again; I desire to keep out of this trouble and difficulty; and if the court will please define with a little more minuteness than it has done respecting my future course, habits, manners, customs and deportment, etc., I will be exceedingly pleased and gratified. I mean no disrespect whatever to the court in asking these questions.

"The Court.—I undertook to state the general course as to what conduct you may indulge in towards your wives. I stated that you might live with one of them as your wife; and—

"Mr. Musser.—Pardon the interruption, judge. May I visit the others and be on familiar and fraternal terms with them?

"The Court.—You may treat your other wives as your friends.

"Mr Musser.—Would you suggest that I should divorce them?

"The Court.—You must divorce them so far as living with them is concerned.

"Mr. Musser.—No; I mean a legal divorce.

"The Court.—I do not understand that it is absolutely necessary—having married them long before this law came into effect—that you should obtain a divorce. But in order to—

"Mr. Musser.—If you will excuse me just one moment. If the ladies to whom I am married—or rather sealed to me—they having made covenants with me and I with them—and these covenants, as I have stated in this communication, are of a very sacred character; now, if I am not permitted to be a husband to them in everything that that implies, they, in turn, might proceed against me for a violation of contract, and claim that I was not performing my part of the obligation that I took when we were married.

"The Court.—Any covenant you may have made with your wives that was polygamous, or would require you to violate the law forbidding unlawful cohabitation, of course would be invalid, not binding; and I will state to be a little more explicit that you cannot live in the same house with two or more of your wives and treat them apparently to the world as your wives—that is to say, it would be almost impossible, I presume, for you to live in the same house with them and occupy the middle room, with one wife on either side, and the door opening out of your room into their sleeping apartments—I think it would be impossible to live in that way. The only safe way to live is to let these other women live by themselves, as all of us have to do, and if you have any means and wish to assist them, why, you can assist them; but of course you cannot associate with them and live in the same house with them as your wives. It would be impossible to lay down every act that you might do and that you might not do; it would be impossible for the human mind to anticipate all these acts. I think it is not difficult to understand now what is required.

"Mr. Musser.—Well, I am a little woody in my understanding; and I mean no disrespect in asking whether attending, taking these ladies to the theatre, or to the meetings, or to any public celebration or public exhibition—whether this would be construed as unlawful cohabitation under the law?

"The Court.—Well, if you was living with them in the same house, the fact that you took them to the theatre without your wife, taking them around in public places would be strong circumstantial evidence against you.

"Mr. Musser.—It is this circumstantial evidence that I want to avoid appearing against me hereafter, and it is for these reasons that I have respectfully submitted the questions, both verbally and in writing, which I have done. But I must admit that my obtuseness is still so great that I do not clearly and definitely understand my duties in regard to these ladies. Yet for fear I may be entrapped, as I have already been, (and I expect to be fined and imprisoned for doing what I supposed

was strictly right and proper, and honorable in relation to my wives and children) I ask these questions.

"The Court.—There will be no danger of your being entrapped if you treat *one* of these women as your wife—and treat the others as though they were not your wives.

"Mr. Musser.—Well, you can see, Judge Zane, from my communication, that I could not make such concessions. I will not, in a defiant manner—I have not the spirit of defiance upon me—or in a threatening, ostentatious manner, say what I will do in regard to these matters. But my family is too dear to me to accept any terms of the character that your suggestions seem to impose. With all due respect to your honor and your honor's judgment and opinion, and the respect I have for the members of the court and bar, it would be impossible for me to comply with such, or to make such, concessions or demands. If a gentleman were to meet me in the street and were to ask me to make concessions of that character, I should tell him without hesitation it was a personal insult; I should feel insulted, and I should tell him so. I do not mean any disrespect—pardon me for using the language, I mean no disrespect—I mean that if a gentleman on the street—I see Mr. Dickson nodding as well as taking snuff—if a gentleman was to meet me in the street and propose that I should abandon my wives—divorce them, either by implication or act, legal or otherwise—I should tell him—I would feel as though it was a personal insult, and that he might as well ask me how much money I would take for my mother, or how much money I would take for one of my sons, or for one of my daughters, or for how much money I would sell one of my wives. I cannot consent to anything of the kind, and am willing to meet any consequences that the court feels in duty bound to impose.

"The Court.—Mr. Musser, as you cannot consent to obey and respect the laws of your country you must take the consequences of your disobedience.

"Mr. Musser.—I am willing to do so.

"The Court.—This punishment is not for the purpose of persecution, neither for punishment alone, but for the purpose of protecting society and against polygamy and unlawful cohabitation, and——

"Mr. Musser.—I am aware of that.

"The Court.—And in imposing the punishment I impose it for that purpose; not out of ill-will towards you or any other man, or any sect or creed, for you have just as good a right to your belief as anybody; but you have no right to adopt a practice contrary to the laws of your country. And I must say that, inasmuch as you do not propose to submit to the law in the future, you will probably, when your term expires, if you live that long, be involved in trouble again.

"Mr. Musser.—I anticipate that, judge.

"The Court.—I think that it would be—according to my standpoint—better for you, and better for everybody else, if you would just stand up, as every good citizen would do, and say you will obey the laws of your country and place your influence on the side of your country; and, further, it would be better if that venerable man at the head of your church would stand up and say he will support the laws of his country, and if he did so he never could get into the penitentiary, neither could you. You go there because you will not submit to the laws of your country, and it is not for persecution or anything of that kind. The sentence in your case will be a fine of $300 and imprisonment in the penitentiary for the term of six months.

"Mr. Musser then sat down amid considerable hubbub in the court."

Amos Milton Musser, the son of Samuel Musser and Anna Barr, was born in Donegal Township, Lancaster County, Pennsylvania, on the 20th of May, 1830. His father died in 1832, leaving his mother with four children, two sons and two daughters. Three years after the death of his father, the mother married Abraham Bitner, who, with his family, in 1837, moved to Illinois and located near Quincy, in Adams County, where the family remained three years, then returned to Washington Borough, on the Susquehanna River, Lancaster County, where, in 1841, the stepfather died. Three years after this event the family moved to Bart Township, below Lancaster City. Here the gospel taught by the Latter-day Saints was first heard and embraced by Milton's mother and eldest sister, also by some members of his uncle John Neff's family.

In 1846 the widow Bitner and the Neff family moved to Nauvoo, and joined their destinies with the Mormon people. They found that city deserted, the main body of the Saints having started for the Rocky Mountains. While in Nauvoo, preparing for their long westward journey, an army of mobocrats laid siege to the city. During the three days' siege of Nauvoo young Musser took an active part, and on two occasions narrowly escaped being killed. He was very near young

Anderson (about Milton's age) when that young man was almost cut in two by a cannon ball. The few remaining families were brutally hurried across the Mississippi River at the point of bayonet and pistol, and while the aged, the sick and the helpless lay at Montrose, Iowa, opposite Nauvoo, the inhuman wretches planted their cannon in front of the beautiful temple which they had desecrated, and fired six-pound balls into the camp of the helpless Saints.

From Nauvoo Mr. Musser went to Eddyville, Iowa, where he remained as a clerk in a store till 1851, in which year he came to Utah, where his mother, who had married Jared Starr, and her family had preceded him

During the brief outfitting stay at Council Bluffs Mr. Musser received baptism and confirmation at the hands of Father James Allred. After a weary march of three months over the Plains, Captain Allred's company—of which Mr. Musser was historian and *aide-de-camp* to the captain—reached Salt Lake City in September, 1851.

He remained here till October, 1852, when, with eight other elders, he started on a mission to Hindoostan, British India. These missionaries traveled by team south to San Barnardino and San Pedro, thence by sail to San Francisco, thence in the ship *Monsoon* over the Pacific and China seas through the straits of Singapore into the Bay of Bengal to Calcutta, making the voyage in 87 days.

Elder Musser remained and labored as a missionary and historian for the mission, in Calcutta, Bombay and Kurrachee some three years, making but few converts. Returning to Calcutta from Kurrachee he sailed for England in the ship *Viking*, *via* Cape of Good, Hope and reached London in 130 days. He labored as a missionary in England and Wales till the spring of 1857, then returned to Utah. He sailed from Liverpool to Boston in the ship *George Washington*, in nominal charge of over 800 immigrating Saints. He remained at Boston to dispose of extra ship supplies and to settle the commutation of such emigrants as remained in Massachusetts; thence to St. Louis to purchase supplies for the emigrants; and thence to Florence by steamer with the supplies and a company of St. Louis emigrants. There he remained as the chief outfitting agent for the emigrants, and crossed the Plains with the last company of that season. He reached this city in September, 1857, having been absent five years, during which period he traveled in the neighborhood of one hundred thousand miles, literally encompassing and circumscribing the earth "without purse or scrip."

From 1857 to 1876, Elder Musser was engaged as general traveling agent of the Church in the varied and multiplied duties of its traveling bishop, under the direction of the First Presidency and Bishop Edward Hunter, as the following document attests:

"*To Whom it may concern:*

"It is my opinion that there is no man in Utah with as large a personal acquaintance with the people of this Territory and Southern and Southeastern Nevada, Northern Arizona, Southern Idaho and Southwestern Wyoming, as Elder A. Milton Musser, certainly no one of my knowledge has traveled among the people so extensively as he.

"For twenty years past he has maintained direct and general business relations with the citizens of these sections which has given him unequalled opportunities to become familiar with their social status.

"During this long period he has labored much with me personally, and under the direction of President Young, his counsellors and myself, in the multiplied interests of the Church and Territory; and so far as I know, to the entire satisfaction of all concerned.

"As a co-laborer, I have ever found Brother Musser active, thorough, courteous and reliable, and I esteem him entirely worthy of the respect and confidence of his fellow-citizens.

"This statement is cheerfully and voluntarily made.

"Salt Lake City, Utah, October 5th, 1878.

"EDW. HUNTER,

"*Presiding Bishop of the Church of Jesus Christ of Latter-day Saints.*"

During nine years of the period vouched for by the presiding bishop Mr. Musser was also superintendent of the Deseret Telegraph Company, was the active manager of its business and lines and a director in the company. Under his superintendency lines were built from St. George, Utah, to Pioche, Nevada; from Toquerville to Kanab; from Moroni to the other settlements of Sanpete County, including Gunnison; thence up to the Sevier to Monroe; from Payson to Tintic mines; from Beaver to the Star Mining District; from Salt Lake City to Alta and Bingham; from Brigham City to Corinne and to Logan *via* Mendon; from Logan to Franklin and thence to Paris, Idaho.

In fact, Mr. Musser has been identified with a great many home industries and enterprises,

which have materially added to the wealth of the community. When co-operation was first mooted he at once became a warm and earnest advocate and did much to give the system prominence and character. For many years he was a director of the Deseret Agricultural and Manufacturing Society of Utah, and is its secretary and treasurer. He is also president of the Territorial Bee Association, a director, secretary and treasurer of the Deseret Silk Company, and for many years a director of the Artificial Fish Raising Association, and is now general fish commissioner for Utah. Many years ago when the necessity for introducing fine grades of stock was agitated, Bishop Musser took a lively interest in the movement, being on two of the stock committees and secretary of the organization. He has also been engaged in farming, milling and brick making, and has been an able *aide-de-camp*, as a historian, statistician, electrician, accountant and home missionary. The Bishop was the first to introduce the telephone (the Bell system) into Utah, also the phonograph.

In 1876, Elder Musser was appointed a missionary to his native State. He reached Philadelphia in time to see the great exposition. He labored zealously from pulpit and press to disabuse the public mind of anti-Mormon misrepresentations. While in Philadelphia he penned an able and seasonable epistle to the press and people of the United States. It went through two editions and was republished in pamphlet form in Liverpool, under the caption "Malicious Slanders Refuted," and received a wide circulation. He also published a work on the celestial order of marriage, which also passed through two editions. The late Orson Hyde, in referring to this *brochure*, said: "Your argument in favor of plural marriage is one of the most able I ever read. Ignorance cannot answer it, and intelligence will not try. It is *multum in parvo*." While in the east, Elder Musser visited Washington and was the guest of Hon. George Q. Cannon. He witnessed the deliberations of the Electoral Commission and of the two Houses of Congress while engaged in determining whether Hayes or Tilden should be President of the United States.

On the Bishop's return to Utah he published his famous tract—"Fruits of Mormonism"—which is regarded by the missionaries of the Church as being one of the best proselyting aids ever published. Of this paper Elders Orson Pratt and Jos. F. Smith wrote to him: "We are anxious that a copy of your pamphlet entitled 'Fruits of Mormonism,' by non-Mormon witnesses (read to us in manuscript), when published, be placed in the hands of every officer of the government, member of Congress, governor and ruler in Christendom. In the possession of our missionaries it will be a valuable work, and should be circulated as widely as possible."

In April, 1885, Bishop Musser was tried and convicted for unlawful cohabitation, under the Edmunds Act, as shown in the opening of this sketch.

Mr. Musser merged from the Penitentiary with the proud feeling that he had been imprisoned for conscience sake and the cause of his people. The question of separating from his family and abandoning them is not a debatable one with the Bishop. His wives and children, who are said to be of a superior type, one and all applaud his course and commend his example, and his aged mother, now in her 84th year, was exceedingly pleased with the reliant position of her son at the trying hour.

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## JOHN NICHOLSON.

John Nicholson was born at St. Boswells, Roxburgshire, Scotland, a small village near the English border, and reared in Edingburgh. He became identified with the Mormon Church in April, 1861. Since then he has been actively engaged in different capacities, in forwarding its interests. He came to Utah in 1866, and is a professional journalist.

He was one of the the earlier victims of the anti-Mormon legal crusade under the Edmunds law. He was arrested on a charge of unlawful cohabitation on the 17th of March, 1885, but was not indicted till the following June. When arraigned to plead he declined to make any plea. Judge Zane gave him one week to further consider his action. When he again appeared, he was asked what he had to say to the indictment; he simply replied, "Nothing." The court then ordered a plea of not guilty to be entered.

Having great repugnance to the idea of having his family dragged into court and compelled to testify against him, he offered to supply all the evidence necessary to insure conviction, if the District Attorney would not molest them. This proposition was accepted, and at the trial, early in October, 1885, he went upon the witness stand, and, in answers to questions, admitted to having

lived with and acknowledged his wives. He was convicted within five minutes after the conclusion of the trial.

When called for sentence, on the 13th, of October, 1886, the Court said:

"Mr. Nicholson, I suppose it is hardly necessary for me to state to you—you are already advised that the jury found you guilty of the crime of unlawful cohabitation. Have you anything further to say why sentence of the law should not be pronounced against you?"

Elder Nicholson, whose manner was calm and deliberate, looked directly into the eye of Judge Zane and made the following response:

"If your Honor please, I will take advantage of the privilege that the Court affords me of stating my position before the Court from my own standpoint. I have been connected with the Church of Jesus Christ of Latter-day Saints for about a quarter of a century. I accepted its doctrines, including the law that is called in the Church "celestial marriage," which includes plurality of wives. At the time I entered upon that relationship I had not the slightest idea that I was infringing upon or acting in contravention to any law made in pursuance of the Constitution of the country, the supreme law of the land. I entered into that relation in 1871, and, to give the Court an idea of my position in reference to the law, I will illustrate it by stating that when the Reynolds case was offered in order to test the constitutionality of the statute of 1862, enacted against polygamy, at the request of the defendant in that suit, I went upon the stand and testified for the prosecution that a conviction might be obtained. There is no need for me to state to your Honor that the essence of a crime is the intent to commit it. There could be no intention on my part to commit a crime in entering into the relationship which I have mentioned.

"Years afterwards the Edmunds law was enacted, which made my status criminal—that is to say, from my standpoint—my conduct was made by it *malum prohibitum*, because in my opinion it cannot be made *malum in se*. That law requires that I should give up a vital principle of my religion, and discard at least a portion of my family and consequently disrupt my family organization.

"This places me, as your Honor will perceive, in a very painful position; because I have a large family, and the ties which bind them to myself are sacred, and the affection which I entertain for them is as deep, and I do not think that these ties can possibly be severed by any law of whatever character it may be, or from whatever source it may spring; because there are sentiments and feelings that are engendered in the human heart that the law cannot touch. I will say here, also, that the lady who would have been the principal witness in this case had I not testified against myself, stated to me that she would decline to testify against me, or do anything that would have the effect of sending me to prison. And now after such an exhibition of devotion to me on her part, the bare contemplation of cutting her adrift is revolting to my soul, and I could not do it.

"People's ideas differ in regard to what constitutes religion. Some hold that it is merely sentiment and faith, and does not necessarily embody action. I differ from this view; and I have always been bold to express my opinions on every subject without fear, favor or hope of reward. I am of the opinion expressed by the Apostle James who stated that faith without works is dead. The religion that I believe in is a religion that finds expression in action.

"I am aware of the attitude of the Court and I presume of the country, towards the peculiar institution of religion in the Church with which I am identified, and which I have honestly accepted and have honestly practiced. It is held that this conjugal relationship threatens the existence of monogamous marriage. I must say that, judging from the attitude of this Court, which represents, I presume, the attitude of the nation, and in view of the assaults that are made on plural marriage, it appears to me that there is not very much ground for apprehension of danger in that respect.

"It is also true that some people hold that my relations in a family capacity are adulterous. From my point of view, however, I have the consoling reflection that I am in excellent company, including Moses, the enunciator, under God, of the principles which constitute the foundation of modern jurisprudence.

"Not to weary the Court I will simply say that my purpose is fixed and, I hope, unalterable. It is, that I shall stand by my allegiance to God, fidelity to my family, and what I conceive to be my duty to the constitution of the country, which guarantees the fullest religious liberty to the citizen.

"I thank your Honor for bearing with me, and will now simply conclude by stating that I am prepared to receive the pleasure of the Court."

While Mr. Nicholson was speaking a deep stillness pervaded the entire assemblage, who listened with almost breathless interest to his remarks.

The court then said: "Mr. Nicholson, you have stated your belief and convictions and feelings very candidly and honestly. I am of the opinion that you are more sincere than many of your brethren are. You state that the essence of crime consists in the intent with which the acts are performed which constitute the offense. While that is so, yet when a person wilfully violates law he commits a crime against the law and is liable to be punished In regard to your allegiance to God, as I understand you, you place that above your allegiance to your country, the laws of your country, and you referred to the Constitution of the United States, and, as I infer from your remarks, you are acting in accordance with what your views as to your religious liberty and rights are under the Constitution of the United States. The sages of the day in which this great instrument was framed—and which instrument constitutes the foundation upon which this government stands with all of its institutions—believed in religious liberty; but they defined their beliefs, some of them, at least, among others the immortal Jefferson and men of his time. They did not understand that that instrument protected a man in committing overt acts against society, contrary to the public good; they understood that it was confined to belief and worship. But their view was that when these internal states of the soul, of the human mind—when parties chose in pursuance of such beliefs to commit acts which were injurious to society, that instrument did not protect these acts as religion, and so the Congress of the United States interpreted that instrument in adopting the law under which you have been tried, and the courts of this Territory have interpreted that law as it was understood by the founders of this government, by the authors of the Constitution of the United States, and the Supreme Court of the United States, which is the final judge, the final tribunal to determine all of these questions relating to the Constitution of the United States and the laws passed in pursuance of it, and if there is any one thing settled in this country it is that the Edmunds law is constitutional and valid. That being so, it won't do for this court, and it seems to me it won't do for anybody who claims the protection of the United States, who claims to be a citizen of the United States, to say that that law is no law and to set up his belief against it, and set it at defiance. (Waxing warm) the pathway of man through all ages is strewn with the errors and follies of those who have gone to their long account.

"A civilization has come on which has thrown off many superstitions. In some lands the mother sacrifices her child. The Hindoo mother casts it into the foaming tide of the Ganges, under a religiousbelief. Others let the car of Juggernaut roll over their bodies in pursuance of a religious belief. In other countries human beings, wives and daughters and friends are sacrificed at the graves of the departed. Under religious belief men have been broken upon the wheel, have been tortured upon the rack simply for their beliefs. Yet it will not do to say that all of these religious beliefs could be tolerated in any civilized country. Men have mistaken very often the feelings which attend certain desires for religion. In some instances they have had the feeling which tends to sexual passion, and imagined that it was a communication of the will of the Almighty to the individual. They have mistaken animal passion for religion—lust, if you please, for religion—in some instances. I do not say it is so in your case, but that it is the case with many I am satisfied. (Growing warmer still.) When any man or any sect attempts to set up what they conceive to be a revelation against the laws of the country they must be prepared to take the consequences. It is thought, it seems, by your church that there has been a communication with respect to polygamy and unlawful cohabitation from the Almighty. The civilized world have interpreted the will of that infinite Source that manifests all things—the Author of all wisdom and all power and all goodness—they have interpreted that through their intellects and through their consciences, and have said that polygamy and unlawful cohabitation are wrong. That is the expression of that infinite Source of infinite wisdom and goodness, as expressed by the intelligence and by the wisdom and conscience of the whole civilized world. (Striking the desk with his hand.) And the American Congress have taken that as the expression of the truth on that question, and I have no doubt that they are right in it; not the slightest doubt about it. I have no doubt that this truth of a marriage of one man to one woman is right. The whole civilized world, with a few exceptions, have so interpreted it.

"Being the truth it has survived all other contrary truths on that subject, and I have no doubt that it will stand—that it will stand forever. The stars may fade away, the sun himself grow dim with age and nature sink in years; but that truth will flourish, as I believe, in immortal youth; and it is idle for any sect, or for any man to set himself up against this expression of the will of that infinite Source of all wisdom and all power, and say that he will not submit to that truth. If you do not submit to it of course you must take the consequences; but the will of the American people is expressed, (severely) and this law will go on and grind you and your institutions to powder.

"I believe I have nothing more to say. The sentence of the Court is, in view of your position, that you be confined in the penitentiary for the term of six months, and that you pay the costs of the prosecution and a fine of $300, and stand committed until the term of imprisonment expires and costs are paid."

Elder Nicholson entered the penitentiary the same day. He endured his imprisonment uncomplainingly, although a portion of his experience there was most pathetic and bitter. His father, who had lived with him for ten years, was seized with a deathly sickness. He expressed a wish to see his son before passing away. Friends of Elder Nicholson made a request of Marshal Ireland to allow him to visit his father's deathbed. He not only peremptorily refused to grant this privilege, but, after the death of the veteran, declined to permit the grief-stricken son to be present at the funeral rites.

While in prison Elder Nicholson framed "A bill to lessen the terms of imprisonment of convicts for good conduct," and placed it in the hands of a member of the Legislature, to be introduced during the session of 1886. The measure was passed by both Houses and signed by the Governor. It was intended to apply to all terms pending at the date of the passage of the act, as well as future ones. At the instance of District Attorney Dickson, a test case under it was instituted, and Judge Zane decided that it could only operate upon future terms. Its provisions are liberal, being based on the idea that all punatory processes should be reformatory.

Elder Nicholson was released from prison, having undergone the penalty, March 12th, 1886.

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## JAMES MOYLE.

James Moyle, the foreman of the stone cutting and mason work of the Salt Lake City Temple, is one of the Mormon brethren now in the penitentiary serving out his term of imprisonment for the frank acknowledgement in court of his wives and families. He is one of our respected, but retiring citizens, whose natural disposition would shrink from notoriety; but the circumstance of his imprisonment with his compeers for the religious cause of his people—for such it is—brings him, with them, conspicuously into our local history of the present momentuous times.

James Moyle, son of John Rowe and Phillipa Beer Moyle, was born October 31st, 1835, at Rosemelin, in the county of Cornwall, England. His grandfather, James Moyle, was a commissioned officer in the British navy. He was a man of education, as his books and some fragments of his handwriting, still in the possession of his grandson, sufficiently attest, as does also his rank as an officer in the British navy, which could only have been attained in his day by a scion of the English gentry. He died, however, while young, leaving the father of the subject of this sketch but eight or nine years of age, which event explains the change in the social status of his immediate family.

The great-grandfather of James Moyle (on his mother's side), William Beer, was an officer in the British Army, and his son, William Beer, the grandfather of James Moyle, received a pension for his service as a master mason in building forts and fortifications for the British government. He was a man of wealth, an elector for Parliament and an active participant in the politics of his country, as was his father before him, which was a mark of social distinction in those days. Two of his sons also held commissions in the British army.

The occupation of father John R. Moyle was that of a mason and stonecutter and his son James was brought up to the same business.

The father and family joined the Church of Latter-day Saints, in the county of Devonshire at about the year 1852, and he emigrated to Utah in one of the first handcart companies in 1856. His son James, however, emigrated two years previous to that date. He left England March 12th, 1854, and landed in New Orleans May 4th, of the same year. Thence he continued his journey to the Valleys of the Rocky Mountains and arrived at Salt Lake City, September 30th, 1854. In a few days after his arrival he was employed by President Brigham Young to work on the basement of the Lion House. After its completion he went to work on the Temple Block.

July 22d, 1856, James Moyle was married to Elizabeth Wood, daughter of Daniel and Mary

Snyder Wood. In December, 1856, he bought property in the Fifteenth Ward, where his home has been ever since and there his children have been born.

In the fall of 1857, at the time of the Buchanan expedition Mr. Moyle went out with the Utah militia to repel invasion. He left the city with others for Echo Canyon in a severe snow storm, and stayed in that service until the militia troops were called in for the season to winter, after Johnston and his army had gone into their winter quarters.

In the spring, when the people of the northern settlements made their temporary exodus into the southern settlements, Mr. Moyle moved his wife to Springville, while he himself was detailed as one of the guard to stay in Salt Lake City and burn it if necessary; which would certainly have been accomplished had the compact made between Buchanan's peace commissioners and the Mormon leaders been broken by General Johnston and his army, before the people could return under the protection of Governor Cumming to defend the city by the efficient force of the Nauvoo Legion.

After this militia service James Moyle was elected captain of ten and subsequently he received a commission from Governor Cumming as captain of a company in the Nauvoo Legion.

In the spring of 1859, he became a contractor and builder, and erected a number of stores and public buildings in Salt Lake City. After finishing the city jail he erected the rock work of the principal bridges on the western division of the Union Pacific Railroad, and also constructed the large U. P. "roundhouse" at Evanston, Wyoming.

He continued to work for the U. P. R. R. Company until called by President Young to take charge of the mason work on the Temple. This position he still holds—namely, foreman of the Temple.

During the September term, 1885, of the Third District Court three indictments were found against Mr. Moyle for unlawful cohabitation with his wives and he was put under bonds. In the last February term of that court his first case came up for trial. Being a man of sensitive honor and courage, to save his family the humiliation of an examination in court, he took the witness stand and testified against himself, that he had lived with, acknowledged and honored his wives and families. Thereupon the jury brought in a verdict of guilty, and on the first day of March, 1886, he was sentenced by Judge Zane to six months' imprisonment in the Utah penitentiary and the payment of $300 fine and costs. He is now serving his term of sentence.

Though Mr. Moyle received but a common English school education, he has always been of a studious disposition; and, priding himself in the knowledge that his ancestors, on both sides, were of the educated classes, he has, since his maturity, diligently cultivated his inherent desire for learning. He is well read in geology, chemistry and mineralogy. The geological formation of rocks has commanded his special attention. He is a man of intellectual type and in his habits has always been studious. Since his incarceration he has been greatly devoted to his studies, both from his native love of them, and to spend the term of his imprisonment profitably in mental culture and for future usefulness as a master worker in stone, with the formations of which his studies of geology and chemistry have made him very familiar.

In keeping with his own native desire for mental culture and acquirement of knowledge, Mr. Moyle had a great desire to educate his children. As an example of this, he kept his son, James H. Moyle, at the Deseret University for three years. He then sent him to the University of Michigan, where he also spent three years. This son entered the literary college where he took a general course of instruction, particularly devoting himself to the work in the school of political science, and he latterly graduated with honors in the law school of the university, and was admitted to practice in the Supreme Court of Michigan. In July, 1885, the young lawyer returned home to Salt Lake City, and on the 3d day of September, 1885, he was admitted to the Supreme Court of Utah. During the same month he was appointed assistant city attorney for Salt Lake City, and deputy prosecuting attorney for Salt Lake County, which positions he still fills with honor to himself and satisfaction to his compeers and the public. He is a young man of intellect, with a liberal education, and of a legal turn of mind. He already gives promise of becoming one of our local luminaries of the law.

In returning to the father, James Moyle, with a closing remark it may properly be said that though at present in bonds for the "gospel's sake"—as the ancient Christians had deemed it—or as we might say, for maintaining the marriage relations of his church and family, when we visited Mr. Moyle in the Penitentiary it was apparent that he perfectly retained the moral tone of his life and character. In fine, it may be said that James Moyle possesses the confidence and respect of his people, and the love and pride of his family, whose worthy head and representative he is.

## JOSEPH C. KINGSBURY.

Joseph Corrodon Kingsbury, whose name is historical in the eventful career of the Mormon people, was born in the town of Endfield, Hartford County, State of Connecticut, May 2d, 1812. His father's name was Solomon Kingsbury, and his mother's name Basheba Pease. They were both of Connecticut, as indeed were the family of the Kingsburys for generations.

Soon after the birth of the subject of this sketch his parents moved from Connecticut to Ohio, town of Painsville, Geauga County; and when he was but two years of age his mother died leaving four children, himself being the youngest. After the death of his mother his father's sister came and kept house for the family until she got married, when the care of the household fell upon the shoulders of Joseph's sister Melvina, the eldest of the children. Thus the family continued until Joseph was nine years of age when his father married again to a lady by the name of Caroline Fobes. The social standing of the Elder Kingsbury was that of judge of the county.

His son Joseph lived at home most of the time, till he reached the age of sixteen, when he went to work on his own account in an office to superintend the weighing of ore and coal for the Geauga Iron Company furnace He next went to the town of Ashtabula and clerked in a merchant's store. This was in the fall of 1830.

At this time the neighborhood in which young Kingsbury lived, was greatly stirred with the news of the golden bible. It was reported that a young man—Joseph Smith—had found this strange book, purporting to be the sacred history of this continent, revealed by the visit of an angel to him who was himself one of the ancient prophets of the land. The testimony produced its effect upon Kingsbury's mind, and he was impressed with the belief that there was truth in these wonderful tidings, though he was not yet numbered with the disciples of the Church, which at that time was only a few months old.

He left Ashtabula in the fall of 1831, and returned to Painsville, but directly went to Chagrin to assist his brother in the mercantile business. In December of 1831, he went to Kirtland to assist a man by the name of Knight for a few weeks, and this indirectly was the means of leading him into the Church and associating him with the office of the presiding bishopric, which has continued almost uninterruptedly to the present day.

While he was yet a lad, Joseph C. Kingsbury became acquainted with Newel K. Whitney, who was afterwards the presiding bishop of the Church. Mr. Whitney had boarded awhile with the elder Kingsbury at Painsville; and in 1829, Joseph C. Kingsbury went to Kirtland on a visit to Whitney, who was at that time a Kirtland merchant, and he stayed at his house three weeks; and when he went to Kirtland a second time, in December, 1831, he found his friend, the merchant Whitney, a leading elder in the Church, though not yet ordained to the bishopric.

After the labors of the day were done, young Kingsbury usually spent his evenings at the house of Elder Whitney, from whose lips, and the inspired memory of "Mother Whitney," he heard related more fully the wonderful narrative of Joseph the Prophet, who for awhile had with his wife Emma, lived at Whitney's house, and where he, the Prophet, received some of his earliest revelations to the Church.

In January, 1832, after the expiration of his engagement with Mr. Knight, Kingsbury went to help Whitney, who was then unwell, and thus began his business relationships with the presiding bishops of the Church; for soon thereafter the temporal administration of the Church grew up, carrying a certain class of the elders out of their private affairs into the temporal government of the Aaronic Priesthood; and among these was Joseph C. Kingsbury at an early day. He was baptized into the Church on the 15th of January, 1832, by Elder Burr Riggs and confirmed by Elder Wm. E. McLellin, one of the first quorum of the Twelve Apostles.

Kingsbury remained with Whitney until he took a mission to the Eastern States, in 1835. When Zion's Camp was organized, in 1834, he volunteered to go with it; but Bishop Whitney being alone obtained the Prophet's consent for his assistant to stay with him at Kirtland. Kingsbury gave his little money to help the camp and the Prophet blessed him as one of the volunteers and said it should be accounted to him the same.

At the laying of the corner stone of the Kirtland Temple, Joseph C. Kingsbury was ordained an elder under the hands of the Prophet. The occasion and the ordination were specially marked

in the history of the Church. Twenty-four elders were to lay the corner stone, he being one of the twenty-four. Don Carlos Smith was also one of the select number. In 1835, he received his patriarchal blessing under the hands of Father Joseph Smith. It is here preserved in his biography as one of the first blessings bestowed by the patriarch:

"Joseph C. Kingsbury, I lay my hands upon thy head and pronounce a father's blessing upon thee. The Lord loveth thee, and the heavens are full of blessings for thee, and thou art blessed because of thy diligence in keeping the commandments of the Lord; and thou shalt be blessed and thy posterity after thee; and thou shalt go forth and thy tongue shall be loosed and thy mouth shall be opened and thou shalt be an instrument in bringing many to a knowelgde of the truth; and thou shall have power with God and thy heart shall expand like Enoch's of old; and thou shalt stand upon Mount Zion when the Lord comes. These blessings I pronounce and seal upon thy head in the name of Jesus Christ. Amen."

On the 6th day of July, 1835, Joseph C. Kingsbury left Kirtland on his first mission to preach the Gospel. He went to the State of New York, starting in company with John and Lorenzo D. Young. He was absent about three months, during which time he baptized four. On his return he was again employed by Bishop Whitney; and on the Sunday after his arrival he was called upon the stand by the Prophet to preach to the people of Zion. In November (13th), 1835, he was ordained a high councilor in Kirtland and in the winter of 1836, he received his washings and anointings with his quorum of high councilors, in the house of the Lord.

In noting Joseph C. Kingsbury's family links, it is to be named that on the 3d of Feb., 1836, he married Miss Caroline Whitney, a relative of Bishop Whitney. Their first child was born on the 13th of February, 1837. He was named Joseph W., but he died August 13th, on their journey into Missouri.

On the 23d of May, 1838, in company of Thomas Burdock, Kingsbury and family started for Missouri, and arrived at Far West on the 13th of September, being four months on the road. There he remained through all the wars and mobbings until the Saints were expelled from the State. In the winter of 1838 9 he started for Illinois, to which State the refugees were bound, but in consequence of the sickness of his wife he stopped on the way, twenty-five miles from Quincy, with a man by the name of Gardner, with whom he remained nearly a year. In the fall of 1839 they had sufficiently recovered to pursue their journey to Quincy, where they were warmly welcomed by Bishop Whitney and the Saints at that place, with whom they remained two days and went on to Nauvoo in company of Lyman Whitney, brother of the bishop. Mr. Kingsbury did not remain, however, at Nauvoo, but crossed the river to Montrose, where they occupied some rooms of the fort remaining from the Black Hawk war For two seasons he was engaged working on the river; in 1841 he moved across to Nauvoo. Bishop Whitney was agent at this time for the Prophet Joseph, taking care of his store, and he called upon Kingsbury to assist him, which the latter did till the fall of 1842. On the 16th of October, his wife, Caroline, died in childbed

On the 25th of July, 1843, Elder Kingsbury left Nauvoo on a mission to the Eastern States. He labored amongst some of his relatives and the people generally in that region, and during this mission he baptized some into the Church. After being absent about a year he started for home in June, 1844. He was in company with Horace K. Whitney, eldest son of the bishop. On their way, in Ohio, they heard of the murder of the Prophet and his brother Hyrum. They arrived in Nauvoo on the 28th of July, and mourned with the Saints the loss of their beloved leaders.

On the 22d of November, 1844, Elder Kingsbury was employed by Bishop Whitney, who was then Trustee-in Trust of the Church; and who received the tithings and donations for the Temple.

On the 4th of March, 1845, Joseph C Kingsbury married Dorcas A. Moor. The ceremony was performed by President Heber C. Kimball.

Joseph C. Kingsbury had the historical honor of being with his people on their exodus from Nauvoo to the Rocky Mountains. On February 28th, 1846, he started on the journey with the leaders of the Church, and traveled up to Winter Quarters with Bishop Whitney and family in the company of Brigham Young and Heber C. Kimball. In the spring the Pioneer band set out for the Rocky Mountain valleys, leaving general orders for larger companies, composed of families of the colonists, to follow quickly on their track, under the organization of resolute and experienced captains. They were organized into grand divisions of hundreds and fifties, that is to say, one hundred wagons laden with the families of the Saints; each of the fifties under a captain, and a grand captain over the whole hundred. Kingsbury and his family was organized in A. O. Smoot's hundred and George B. Wallace's fifty. The company was organized on the rendezvous on Horn River, and though called by the regular organic name of "hundred" it consisted of one hundred

and twenty wagons. It started in June and arrived in the valley on the 25th of September, 1847. Is was the largest company on the road that season, and was the second company that arrived in the valley after the pioneers—Daniel Spencer's being the first; though Joseph Kingsbury was not one of the one hundred and forty-three men of the Pioneer band, he is properly considered one of the pioneers of 1847 and one of the founders of Salt Lake City.

He was one of those who built the "Old Fort," and he remained in the fort for a year and a half and then with his family he moved on to his city lot in the Second Ward. John Lowry was Bishop of the Second Ward and Joseph Kingsbury was chosen one of his counsellors; he also soon succeeded Lowry as bishop of the Ward. He was ordained to the office of a bishop July 13th, 1851. He occupied this position and remained in Salt Lake City until October 16th, 1852, when he moved to Ogden, and in the following summer he moved over to what was then called East Weber, on Weber River. There he remained till the people moved south in the Spring of 1858, when Johnston's army entered the valley. He located at Provo and there remained till September of that year when he moved to Salt Lake City to make it his permanent home.

From this period dates Joseph Kingsbury's long connection with the General Tithing Store of the Church in Utah. He went to work in this office in September, 1860. In 1867, he was appointed superintendent of the Tithing Office under the direction of the late presiding bishop, Edward Hunter. He holds the office of superintendent to present date. It is a position of great trust, requiring much patience, care and impartiality in dealing wtth the people and public hands that they might be satisfied. He has more direct contact with the people than any other officer in the presiding bishop's department.

Of his various ordinations and callings it may be recapitulated in the summary. In Kirtland Joseph Kingsbury was ordained one of the elders to lay the foundation stone of the temple. Next he was ordained one of the high council of the Kirtland Stake, which signifies that he was one of the first high council in the Church. In Nauvoo he was in the Tithing Office under Bishop Whitney, as his assistant. In Salt Lake City he was counsellor to Bishop Lowry and afterwards bishop of the Second Ward, which entitles him to the rank and name of bishop, and historically to the note as one of the original bishops of Salt Lake City. January 25th, 1883, he was ordained a patriarch under the hands of Apostles Wilford Woodruff and Franklin D. Richards. Joseph Kingsbury was a great favorite of Edward Hunter, as he is indeed with the authorities and people generally. He may properly be considered as one of the representative men of the Mormon Church.

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## JOSEPH BULL.

Joseph Bull, the oldest attache of the *Deseret News*, was born at Leicester, Eng'and, January 25th, 1832. He is the son of Daniel and Elizabeth Burdett Bull. His mother died in his infancy. He received a common school education, and was apprenticed to printing at the age of fourteen: but his master failing in business before his time was out, he went to Birmingham for improvement, and having first class credentials he obtained a situation in a leading book and job printing establishment. He remained in this situation until 1850, graduating to a journeyman's position.

In 1846, he for the first time heard an elder of the Church preach; from that time he occasionally visited the Saints' meetings and in Febeuary, 1848, he joined the Church, being the only members of his father's family who ever embraced the Mormon faith. On the 6th of January, 1851, he sailed from Liverpool in the ship *Ellen* for New Orleans, with a company of Saints under the presidency of James W. Cummings, Crandall Dunn and Wm. Moss. He was assistant steward. He arrived at New Orleans March 14th and on the 19th proceeded by steamer to St Louis, and thence by another steamer to Council Bluffs, where he worked a short time at the office of the *Frontier Guardian*. An opportunity was offered him to go to the valley to drive a herd of loose stock for Mr. David Wilkin for his board and the hauling of seventy-five pounds of luggage. Wilkin's outfit left Council Bluffs on the 10th of May and was organized in Luman A. Shurtliff's fifty of Eli B. Kelsey's hundred. Arriving at the Elk Horn the company found the river swollen to about four

miles wide, it being a very wet season. It was deemed advisable to take an entire new route and reach the head waters of that stream, then strike the old pioneer road on the north side above Chimney Rock. After traveling over a hundred miles a messenger overtook them and ordered them back to the Missouri River to travel in larger companies in consequence of Indian hostilities; whereupon they returned, and took the old pioneer road near Fort Kearney, having traveled nearly five hundred miles, but only gaining about two hundred and fifty. Mr. Wilkin having ten wagons of merchandise and nearly two hundred head of loose horned stock, decided to leave the company and travel alone, which they did and arrived in Salt Lake City on the 15th of September, two weeks ahead of the main company, Mr. Bull having driven the loose stock the entire journey on foot.

During the fall of 1851, Mr. Bull worked tending masons, going to the canyons, etc., until early in January, 1852, when Dr. Richards engaged him on the primitive staff of the *Deseret News* printing office. In February he printed the first ball ticket in colored inks, for the first typographical ball held in this city.

On the 28th of October, 1854, Joseph Bull married Miss Emma Green, formerly of Birmingham, England, she also being the only member of her family who joined the Church. She was a member of the early dramatic associations, and also the pioneer professional dress maker of the city.

At the April conference of 1855, Mr. Bull was appointed on a mission to California with Elder Geo. Q. Cannon and Matthew F. Wilkie to print the Book of Mormon in the Hawaiian language, and afterwards to print the *Western Standard*. President Young gave him permission to take his wife with him, but it was preferred for her to stay.

These missionaries left Salt Lake City on the 10th of May, in company with Apostle C. C. Rich, with mule teams for San Bernardino; thence proceeded to San Pedro and took passage to San Francisco, which they reached in the latter part of June, and commenced the printing of an edition of two thousand copies of the Book of Mormon which kept Elders Cannon, Bull and Wilkie busily employed until January, 1856. Elder Cannon had translated the work while on a previous mission to the Islands. February 23d, they also issued the first number of the *Western Standard*, an able weekly newspaper in the interest of the Church.

At a conference held at San Francisco April 6th, 1856, Elder Bull was appointed president of the San Francisco conference, which office he held until July 18th, when at another conference held July, 1857, he was appointed on a mission to the Sandwich Islands, as publisher of a paper in the Hawaiian language. He had made his arrangements and was on the point of starting when a call from President Young for the elders to return to Utah in consequence of the "Buchanan War" broke up the western missions. In December, 1857, Mr. Bull in company with Elders Pratt, Benson, Cannon and others returned by way of San Bernardino and arrived home about the middle of January. He found his wife in good health, and for the first time saw his first born son, Joseph, who was two and a half years old, having been born after he left.

He resumed his labors in the *Deseret News* office and was appointed by President Young to execute the first copper plate work done in the Territory for the Deseret Cattle Association, David McKenzie having engraved the plates. He was engaged in this work during the summer, and at the general move went to Provo and took the presses and material there; in the fall he resumed work in the *News* office.

Owing to the war status of the Territory, the *News* had been unable to get its usual supply of material from the east, and Mr. Bull was despatched to San Francisco to purchase a supply. He started on the 21st of February, 1859, performed the trip by mule teams to San Bernardino, from thence by stage to San Pedro, where he took steamer for San Francisco, arrived on the 26th, of March, and was successful in purchasing and shipping the material. On his homeward journey from San Pedro he assisted in driving one of the eight mule teams until reaching Santa Clara, from which place he traveled night and day by stage with a small supply of paper and reached Salt Lake City, May 27th, making an unprecedented trip, having traveled nearly three thousand miles during an absence of a little over three months. After his return home he became a member of the "Mechanics Dramatic Association" of which Mr. Philip Margetts was president. While a member he appeared as "Old Mike" in Luke the Laborer; "Duke Aranza," in the Honeymoon, and "Iago" in Othello.

Mr. Bull resumed work in the office until the fall when he was appointed a special agent to make a business trip through the Territory in the interest of the paper. He was thus engaged until the following April, 1860, traveling horseback. In September he was appointed foreman of the printing department, but he was soon thereafter appointed by President Young on a mission to Europe with Apostle George Q. Cannon and other elders. They left Salt Lake City, September 27th 1860,

crossed the Plains with mule teams and arrived at Liverpool December 12th, of the same year. Elder Bull's first appointment was to the presidency of the Bedfordshire conference, and in 1853, he was appointed president of the Leeds District, comprising the Sheffield, Leeds and Hull conferences. During this mission he also labored in the printing department of the *Millennial Star* office from January to June, 1862; March to June, 1863; March to May, 1864; superintending the publication of several of the standard works of the Church. He left Liverpool for home May 21st, 1864, on board the ship *General McLellan*, with a company of 802 Saints under the charge of Thomas E. Jeremy, Joseph Bull and George G. Bywater. He reached home in September, 1864, crossing the Plains in Captain Rollins' train, acting as chaplain.

He resumed work in the *News* office till the summer of 1865, when he was sent south as far as St. George, on special business, and in October he was again despatched to San Francisco, by Albert Carrington, editor of the *News*, to purchase a year's supply. Having made his purchase he left San Francisco January 5th, 1866; per steamer with the material, and arrived at San Pedro on the 8th, where he found the teams which he had engaged, waiting for him. He also purchased and freighted a year's supply of paper for Apostle George Q. Cannon to print the first volume of the *Juvenile Instructor*.

On his return in February, 1866, he resumed labor in the office until the fall of this year, when he was released by President Young, to take charge of the publication and business of the *Juvenile Instructor* for George Q. Cannon; and on January 1st, 1867, the *Instructor* appeared in its new dress, enlarged to eight pages. In December, 1867, E. L. Sloan and Joseph Bull started the "*Curtain*," for the Salt Lake Theatre, it being the first theatrical programme printed in the Territory.

When Apostle Cannon, who had succeeded Albert Carrington, started the daily *Deseret Evening News*, he released Mr. Bull from the *Instructor* and appointed him foreman of the *Deseret News* printing establishment, and in February, 1868, editor Cannon sent him him on a special business trip to the Eastern States, to purchase material and solicit advertisements and subscriptions for the *News*. Mr. Bull visited many of the manufacturing and commercial cities where our Salt Lake merchants had been purchasing supplies for this market and set before the wholesale houses the advantages of advertising in the *News*, as a new era in mercantile matters was about to take place on the completion of the U. P. R. R. At that time only three business firms of Chicago had been doing business with Utah. Having an autograph letter of recommendation from Brigham Young, Mr. Bull quickly formed the acquaintance of several members of the Board of Trade who used an influence with many leading firms to seek for the Utah trade. He remained several weeks in Chicago filling the advertising columns of the the *News*; and he also visited other cities as far as New York with like success. He also purchased presses, printing material, supplies for the paper mill, etc. He returned home after an absence of about seven months, and Editor Cannon, who had constructed the enterprise for his agent, was well satisfied with his financial hit. The same year Mr. Cannon again sent him on a similar mission with like results; and, with the exception of several trips made by business manager, Angus M. Cannon, Mr. B. continued every year to go east for the *News* on this line until the fall of 1877, resuming charge of the printing department on his return home.

At the October conference, 1877, he was again appointed on a mission to Great Britain; his wife accompanied him on a visit to her relations. They arrived in Liverpool November 16th. Mrs. Bull received a cordial welcome from her relations at Birmingham. Elder Bull labored during the first year of this mission portions of the time in the Liverpool and Birmingham conferences until October, 1878, when he was appointed by President William Budge to labor exclusively in the printing department of the Liverpool office; while his wife, having spent a very pleasant year with her relations, left for Utah, October 19th, on the steamer *Wyoming* and arrived in Salt Lake City November, 6th, 1878.

Apostle Orson Pratt, on December 21st, arrived in Liverpool from Utah, having been appointed to get the Book of Mormon electrotyped with foot notes—two sets of plates—Elder Bull having been appointed to assist him. They proceeded to London and completed the book in about three months when Mr. B. resumed his labors in the Liverpool office. About the same time O. Pratt received instructions from President Taylor to remain in England and obtain electro plates—two sets—of the Doctrine and Covenants with references. In this work which was done in London, Mr. B. superintendented his department. On its completion, August 15th, he returned to the Liverpool office.

During this period, besides superintending the general printing of the British Mission, he is-

sued from the press editions of the Book of Mormon, Doctrine and Covenants, Spencer's Letters, Pearl of Great Price and O. Pratt's Key to the Universe, also about 250,000 tracts.

On the 18th of October, he left England to return to Utah on the *Arizona* with 224 Saints in charge of Wm. Bramall, J. Bull and Andrew Watson, and arrived home November 12th, 1879.

On his arrival he resumed his labors in the *News* office, in the newspaper and job departments. In February, 1880, he went on his usual eastern business, and has continued making the yearly trips. During his connection with the *News* he has had several opportuuities to engage in other printing enterprises, also other business, but preferred to remain with the *News*; and with the exception of the different periods when he has been absent on foreign missions, he has been continuously with the establishment since January, 1852, which makes him the oldest attache now connected with that paper.

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## HERBERT PEMBROKE,

One of our young and clever citizens is the subject of this sketch. His line of art is in job printing, but he is a decided artist and not a mere compositor. He is acknowledged to be the best printer that has ever worked in Salt Lake City, and he has also won reputation in New York, San Francisco, and other cities.

Herbert Pembroke was born in Bedford, England, in 1853. He is the son of James Earl and Sarah Day Pembroke, who were amongst the first of Willard Richards' converts to Mormonism in England, and who remained the wheel-horses of their section of the English mission till 1866, when they left for America. The family remained in New York two years. Herbert commenced to work at the printing trade, and to such a degree did he love the trade chance had thrown in his way, that after being in Salt Lake a year, he determined to back to go New York and endeavor to master his calling. He was a journeyman printer at the age of eighteen, and soon after left for his home in Salt Lake, where he was foreman of the *Tribune* job office, under the management of Fred Perris for a year. At the end of that time he felt still that there must be a great deal to learn and left for for San Francisco, where he soon became foreman of H. S. Crocker & Co's large printing office. This position was held for three yerrs until he determined to make Salt Lake City his home. Leaving a bright future there, he came home; finding the printing trade in a very unsatisfactory condition, he engaged as clerk in mining and mercantile business for four years.

During this time he married a daughter of the late Richard B. Margetts. In January, 1882, having received a call from his old employers, he again went to California to take charge of the Sacramento printing business af H. S. Crocker & Co., but in 1884, feeling that with the commercial capacity which the previous four years had developed within him, he could steer a mercantile craft safely, he left California, came home and engaged in the book, stationery and news business, where by strict and untiring attention to business he has demonstrated that success is attending him. Being still a printer at heart, he associated himself as nearly as possible with the craft of Utah, by attaching to his business several printer's supply agencies, which he still carries on. Referring to Mr. Pembroke as a printer it may not be out of place to extract from the *American Model Printer* the following:

"H. Pembroke, late superintendent of H. S. Crocker & Co's, Sacramento, California, is a man of remarkable skill as a printer, and the specimens before us bears full evidence of this fact. * * The most elaborate piece of work in his samples is a business card in colors, representing a set stage with side scenes; doors are represented in each of the two scenes, a centre panel in one of them displays a red devil carrying off a silver composing stick, and in the other a steam press; these appear on gold grounds surrounded with black circles. The rule work on this job is certainly well carried

out, the tint plates were cut out of cardboard, and have been so well printed that little remains but to consider it a novel and interesting piece of handicraft."

Mr. Pembroke is not in any sense an orthodox religious man. He is perfectly liberal and tolerant in his views, and believes in a grander spirit of humanitarianism than the sectarian strife of the present day makes possible, and he likes to dream of the day to come when all mankind will be united in a universal brotherhood.

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## HENRY GROW,

The superintendent of the Temple Block, was born October 1st, 1817, at Philadelphia, Pennsylvania. His father's name was Henry Grow; his mother's, Mary Riter. His grandfather, Frederick Grow, and his grandmother emigrated from Germany to Pennsylvania. This was before the war of the revolution. He took up a large tract of land and made it into five farms of 60 acres each and divided them among his five children, four sons and one daughter. The estate still remains in the family. This grandfather was in the war of the revolution. The British army camped within a mile of his farm house. The family were farmers.

The subject of this sketch, Henry Grow, was the youngest of seven children, five girls and two sons. He served his business as a carpenter and joiner in his native State. After serving his time he superintended all the bridges, culverts, etc., on the Norristown and Germantown railroads, both in constructing and repairing the works, under the direction of George G. Whatmore, president of the roads and ex-mayor of Philadelphia.

Henry Grow was baptized in the Delaware River, Philadelphia, in May, 1842, by William Morton. He emigrated to Nauvoo in March, 1843, arriving May 15th. His first work at that place was in building a barn for the Patriarch Hyrum Smith; he also worked on the Nauvoo Temple until it was finished. He was all through the troubles of those days and was one of the members of the Nauvoo Legion He was one of the remnant that remained at Nauvoo after the departure of the Twelve with the advanced companies of the Saints for the Rocky Mountains. The covenant made between the four commissioners chosen by the State of Illinois—namely, General Hardin, commander of the State militia, Senator Douglas, W. B. Warren and J. McDougal—and the Mormon Apostles gave ample time for the removal of the people of Nauvoo. But in April, ere the vanguard of the pioneers had got fairly on their journey west, the anti-Mormons began to rise and the mob outrages on the Saints were horrible; yet W. B. Warren, major commanding the Illinois Volunteers, on the 29th of May, 1846, in his reports in the Quincy *Whig*, said: "The Mormons are leaving with all possible dispatch. During the week four hundred teams have crossed at three points, or about 1,350 souls. They are leaving the State and preparing to leave, with every means God and nature have placed in their hands."

Notwithstanding this statement from the commander of the Volunteers, the mob marched upon the doomed city and on the 19th of September, 1846, commenced the famous Battle of Nauvoo, which lasted three days. Henry Grow was in this battle. The mob force of two thousand well armed men with 13 pieces of artillery camped in front of his house, within an eighth of a mile's distance. After they had camped, on the first night, in his bed he heard a voice distinctly say, "Get up and get out here in the morning." He arose in the morning, hitched a yoke of cattle to his wagon, put in utensils, bedding and tent, leaving every other thing in the house, got his wife and three children in the wagon, and had moved about fifty yards from his house, when the mob fired a twelve pound ball through the house which was a frame building. He was in the three days' engagement with the mob, the defenders being under the command of General D. H. Wells and Col. Cutler. After the entrance of the mob into Nauvoo, he crossed over to Montrose, Iowa side, where he had his family in a tent during the battle.

From this starting point toward the Rocky Mountains, Mr. Grow traveled alone with his family across the prairies to Winter Quarters where they arrived late in the month of October. He first built a log cabin at Winter Quarters, and then went to Kimball's, six miles above, where he built himself a house and settled for a year; but in the fall of 1847, after the departure of the pioneer companies, he moved with his family down into Missouri, on Little Platte, twenty miles above Weston, where dwelt many of the old Missourian mobocrats. There he kept the saw and grist mill in repair, and did other carpenter work for two years for Colonel Estel, who sold out to Holladay & Warner, merchants well known in the early history of Salt Lake City. Mr. Grow worked for Holladay & Warner till the spring of 1851. He and his family then again came up to the Missouri River bound for the Valleys of the Mountains, where his people had established themselves. He was organized in Captain James Cummings' hundred, in Alfred Cordon's fifty and Bishop Kesler's ten; Orson Pratt commanded the other fifty. The Mormons still traveled across the Plains at this date on the old pioneer plan of organization of hundreds, fifties and tens. On account of high water the companies headed the Horn River and came on to the Platte below Laramie; on the Sweetwater, below Independence Rock, the company was surrounded by a war party of Cheyennes. Kesler's ten got separated from the other tens, but they succeeded in sending a message to Captain Cordon, who was camped with the remainder of his fifty at Independence Rock, and he sent relief and they went up and camped with their company. Next day, above Independence Rock, they met a thousand Snake warriors waiting for the Cheyennes.

Henry Grow arrived in Salt Lake City on his birthday, October 1st, 1851. He went to work for a year on the Public Works, under Miles Romney, the first superintendent of the carpenter's shop. In the winter of 1851, he worked on the Old Tabernacle, which occupied the spot where the Asembly Hall now stands; he also worked building the Social Hall, the weather being mild that winter. In 1853, he built the first suspension bridge built in the Territory, across the Ogden River, for Jonathan Browning. In 1854, he went to work at Sugar House to build the sugar works, under Bishop Kesler; and in 1855, under the same he worked in the building of the two saw mills in Big Cottonwood known as B and A. In 1856, he moved a saw mill from Chase's Mill in the "Big Field," up City Creek seven miles, for President Young, and the same fall he went up Big Cottonwood again and framed and put up Mill D, sawed two logs and left on the 17th of December, with five men on seven feet of snow with snow shoes; it took them two days to get out of the snow; they ran great risk of their life. In 1857, he went up and built Mill E, at the head of the canyon, near Silver Lake; in 1858, he went to Provo and put up all the temporary buildings of the "move," and he also built the suspension bridge over Provo River. In 1859, he tore the works out of the old grist mill at the mouth of Canyon Creek and placed the cotton and woolen machinery in the mill for President Young, which was the first machinery of the kind put up in the Territory; this machinery was afterwards taken down to St. George.

In 1861, he built suspension lattices across Weber and across Jordan, which are standing there to-day. At the time of putting up the theatre he built a water-wheel on the water ditch, opposite Dr. Sprague's, to hoist all the rock and timbers for the theatre. He also made the heavy beams and principal rafters out of plank, for the work, and fitted up the foot-lights. In 1863-4, he did a great deal of mill work for President Young at different places. In 1865, the President called on him in regard to the construction of the Big Tabernacle. He designed the shape, planned, framed, put up and finished this Tabernacle in the fall of 1867. In 1868 the President called on him to put up the Z. C. M. I. building; the plan was drawn by Obed Taylor and superintended by Grow throughout. From that time on till the spring of 1876, he had charge of all the carpentry work on Temple Block, when he went to build the warehouse attached to Zion's Co-operative building. At the October conference in 1876, he was appointed on a mission to preside over Pennsylvania, Delaware and Maryland. He left Salt Lake City on the 1st day of November. During this mission he visited all his relatives and the homestead. He left Philadelphia for Salt Lake City, June 12th, 1877; and on his return immediately was engaged tearing down the Old Tabernacle and commenced building the Assembly Hall, superintending the practical work under architect Obed Taylor; it was completed in the fall of 1878.

Since that time Mr. Grow has built two brick houses for President Taylor; and superintended all the buildings and carpentry work for the Church, including the scaffolding and hoisting apparatus for the Temple.

In 1880 he was called by President Taylor to go east to look at improvements of paper mills, for the purpose of putting up a new paper mill at the mouth of Big Cottonwood.

Yours truly,
H. B. Clawson

Mr. Grow traveled through Chicago, Cleveland, Buffalo, Springfield (Mass.), Albany, Holyoak, Boston, Philadelphia, Pittsburg and other cities, to get all the information he could relative to the projected work. This part accomplished he returned to Salt Lake City and drafted and, at the mouth of Big Cottonwood, commenced the foundation of the new Deseret Paper Mill. The machine room (two story) is 60 by 100 feet in the clear, the engine and rag room (three story) is 60 by 61, and in addition to that there is a rotary boiler and rag cutter room above, 25 by 61 feet in the clear. There are two paper machines, five rag engines, two rotary boilers, two rag cutters, 100-horse power engine, and all other machinery and fit-out for making first class quality of paper. This paper mill was completed and put in running order in 1883; it is a good, substantial granite rock building.

The foregoing busy record will show how extensively and constantly Henry Grow has been engaged in the building enterprises of our Territory for more than thirty years. He is known as a skillful mechanic and an exprienced practical builder, and is well liked by all the hands who have worked under his superintendency. Amopg all his works the roof of the Big Tabernacle in Salt Lake, covering the largest hall in America west of Chicago, is the most unique and stupendous of his works.

The outside dimensions of the Tabernacle are: Length, 250 feet; width, 150 feet. On the inside it measures 232 x 132 feet; height of ceiling, 65 feet. The roof rests on 44 columns, averaging 20 feet high, and is self-supporting. The seating capacity is 9,000, with standing room for fully 3,000 more.

The inside measurement of the Assembly Hall is 116 x 64 feet. Height of ceiling, 36 feet. A gallery, 18 feet wide, extends around the building. Seating capacity, 3,000.

## HIRAM B. CLAWSON.

Our respected citizen, Hiram B. Clawson, was born in Utica, Oneida Co., New York, November 7th, 1826. He was educated at the Utica Academy. Through the loss of his father he was very early thrown upon his own inherent resources; and, thus left to battle with life, he became master of three or four trades, and in youth laid the foundation of a self-made man.

After the death of his father, his mother joined the Mormon Church in the year 1838; and in 1841, the family, consisting of Mrs. Clawson and her two sons, Hiram and John, and two daughters, removed from Utica to Nauvoo. There a circumstance worthy of note in his life occurred, which indirectly led to his connection with the dramatic profession, in which both he and several members of his family have made quite a distinguished mark in the social and artistic culture of our own Territory. Hiram, in Nauvoo, wanted to join the Debating Society, which was held in a room over Joseph's store; but some of the principal members opposed his admission on account of his youth. The Prophet, who was always a warm admirer of lofty aspirations in the young men of his people, stood as Hiram's advocate and would have promoted his admission; but, with a becoming sense of self-respect, young Clawson withdrew his application. This event led to his connection with the stage; for at that time Thomas A. Lyne, then in the prime of his dramatic power, was at Nauvoo giving performances.

In the year, 1848, when the Pioneers made their second journey to the Rocky Mountains, bringing up the body of the Church under the leadership of Brigham Young, who had already been elected as President, Hiram B. Clawson came with them. He was, therefore, one of the pioneers and founders of Utah. He was now twenty-two years of age, was looked upon as a man of mark, and it was soon understood by the whole Church, both at home and abroad, that Hiram B. Clawson had won the heart of Brigham Young.

He had charge of the first building work that was done in the valley by the Church. The first adobe building, a little office adjoining the Council House on the south, was built by him. The Council House itself was built by him, he having charge of the masons, and Truman O. Angel being the architect.

But this is merely incidental as among the primitive work of our Territory. The fabric of society itself was in rapid process of erection, Brigham Young in this being the chief builder. H. B. Clawson was called into the President's office as clerk, and he was soon put in charge of the President's entire private business, which he managed for many years. During this period he assisted in the erection and afterwards in the management of the great Salt Lake Theatre. [His theatrical record will be found in Chapters LXXXIV. and LXXXV.

Here may be noticed something of H. B. Clawson's military career, which gave to him the rank of Adjutant General of the Utah militia. At the the time of the Indian wars in Southern Utah, in 1850, he took an active part in suppressing the difficulties. He was *aide-de-camp* to General D H. Wells, and subsequently, at the death of James Ferguson, he became Adjutant General of the Territory, which office he still holds.

In the spring of 1865, W. H. Hooper, of the firm of Hooper & Eldredge, sold out his interest to H. B. Clawson, and the firm name was changed to Eldredge & Clawson. The latter immediately went to New York to purchase goods, contracting with the Butterfield Company for the freighting from the Missouri River to Salt Lake City, but the trains, starting late, were snowed in and they did not receive their goods until twelve months after they were purchased. The firm, however, was not discouraged, for in the spring of 1856, Mr. Clawson went east again and purchased a fine stock of goods and effected a settlement with the Butterfield Company for their freight of the previous year. Mr. Clawson thus continued yearly to go east for the purchase of goods, and was thus personally brought into relations with the principal commercial houses of the great mercantile cities, so that he was well prepared for his subsequent management of Z. C. M. I. When the great co-operative movement started, the firms of William Jennings and of Eldredge & Clawson agreed to sell out their entire stocks to Z. C. M. I.; and on the institution commencing business, H. B. Clawson was appointed by the directors the superintendent.

The design, from the onset, was to arrange the business of the Z. C. M. I. upon the best known commercial methods, and the superintendent adopted them. All the internal arrangements were left to Mr. Clawson, and also the choosing of the heads of departments and clerks. The business went on and increased steadily, until the time of the panic of 1873, when the yearly sales amounted to four million five hundred thousand dollars.

When the panic of 1873 burst upon the country, it was thought wisdom for Z. C. M. I. to ask an extension of credit to provide against the result that was sure to follow the panic in the east, and H. S. Eldredge and H. B. Clawson were accordingly sent down East for this purpose.

They were very successful in this mission and within eight months Z. C. M. I. redeemed its paper, amounting to one million one hundred thousand dollars.

Previous to going east to adjust these matters, it was deemed advisable to change the management for a time; and the Hon. Wm. H. Hooper assumed the superintendency. Hooper remained eighteen months in this position, during which time the institution met all its liabilities. He then resigned and H. B. Clawson was again appointed superintendent.

During Clawson's second superintendency, the institution built its colossal new store and removed from their old location into it, Superintendent Clawson designing the internal arrangements. In consequence of the large increase of their regular departments, and wishing to consolidate all their business in this mammoth store, the directors deemed it advisable to retire from the agricultural, hide and wool departments, and H. B. Clawson made a proposition to buy those departments out. His offer was accepted, and, on the 4th of October, 1875, he resigned the superintendency, and Horace S. Eldredge was appointed in his stead. Mr. Clawson claims that during his management of the institution, his losses on the yearly sales did not exceed a quarter of one per cent.

After resigning the superintendency of Z. C. M. I. Mr. Clawson went into business for himself, in which he remained until the indictment for unlawful cohabitation with his wives caused his retirement. His presence and noble conduct before Judge Zane and his imprisonment for conscience sake is the crowning event of his life, and with its record we close this sketch.

Shortly after the opening of the Court Judge Harkness, of counsel for Mr. Clawson, stated that his client desired to withdraw the plea of not guilty formerly entered by him, and enter one of guilty to the charge.

The request was granted, and Bishop Clawson was then asked what plea, if any, he wished to make, to which he replied, "Guilty"

Court.—Do you wish to take any further steps now?

Harkness.—It is in the hands of the prosecuting attorney.

Court.—You are entitled to a couple of days, if you desire to take it.

Harkness.—No, he does not care for any time. We waive the time.

Court (to Mr. Clawson). You understand, I suppose, what the indictment is; you have plead to it?

Clawson.—Yes, sir.

Court.—Have you anything to say further before the judgment is pronounced?

Clawson.—Yes, sir.

The Bishop then arose, and in a firm, clear voice, made the following statement:

"With your honor's permission, I would like to say a few words in regard to this matter. I am arraigned before this court to answer to the charge of a misdemeanor in this: That I have been living in polygamy, and that I have been living with those that I have claimed and do claim to be my wives.

"I have been in the Church, or rather I have been identified with the Church of Latter-day Saints for forty-five years, and for thirty years or over I have lived in my present marriage relations. When I entered those relations I believed I was doing just exactly what I ought to do. I believed that in doing that, I was doing something in this life that in the life to come would be for my benefit. I have endeavored through this life, up to the present time, to live a life that would justify that belief. When I married these, my wives, they were young and I was young. They believed the same thing that I did. We made the most solemn covenants that men or women can make in regard to this marriage, and I and they have endeavored up to the present time to live those covenants. Now they are along in years; streaks of grey show in their hair; they have families of children that have grown up and married and have children; and now at this time, at my age and at their age, to ask me to renounce those ties and cast these women off and leave them and my children, and say that I will have nothing more to do with them—your honor, is a thing that seems impossible for me to say. When I believe as I have believed, and I say now that what I believed thirty years ago and over, I believe to-day just as I did then; and I believe, that were I to say that I will cast them off, that all I have done in all these years has gone for nothing. It is better, your honor, far better for me to go to prison, if that is the decision of your honor. Again, let that be one reason why I plead guilty to this indictment, and why I am now standing before this court.

"Another reason is: How is this thing? How is it looked at? What is there in it? If I make any promises so far as regards the future, I am ostracised; I am looked down upon; I am dishonored in this community among my brethren—those that I respect and honor; and among all honorable men. There is not a man, I believe, in this court room, who has occupied the position I have, but what, were he to stand in my place, to-day, would do just as I say that I would feel to do to-day. Can I bear the scorn, and the indignation, and the feelings that these my wives would cast upon me, after all these years, if I can say that I will turn them away and have no more to do with them; and can I bear what my children would say, and how my children would feel in regard to this matter? I say no. It is only a few years that I have to live, and I had better do something else than go back on what I have said I believe is true.

"To me there are only two courses. One is a prison and honor, the other is liberty and dishonor. Your Honor I have done."

The speaker was calm and earnest in his demeanor, betraying no sign of fear or anger, his words and action manifesting the sincerity of his belief in the righteousness of the course he was pursuing. His speech was listened to with rapt attention, and at its close, after a short pause, the Court proceeded to pronounce judgment, in the course of which he said:

"As a man, I have nothing to say whatever against you. I regret that you have not the courage and the manhood to stand up in defiance of a sect and say that you will obey the laws of your country, and that you will advise other men to abide by them. This timidity and cowardice is not becoming to an American citizen. You seem to acknowledge that in your second reason, because you say that you would be ostracised and would become an outcast if you were to obey the laws of your country—if you were to promise to obey them; though many men have died—not become ostracised—but died in its defense; that reason constitutes no justification In view of the fact that you propose, as I understand, to continue your polygamic relations; to continue your adulterous connections with women who are not your legal wives; however much I may respect you as an individual, my duty, representing as I do, a great and glorious government, will not allow me to indulge in any personal feelings; but the discretion which I possess must be so used as to strike down these crimes of polygamy and unlawful cohabitation.

"When men will not agree to obey the law, my duty as the Judge of this Court, requires that the extreme penalty be imposed upon them.

"You will be sentenced, therefore, to imprisonment in the penitentiary for the term of six months, and to pay a fine of $300 and costs, and be confined until the term of your imprisonment has expired and the fine and costs are paid."

Bishop Clawson was then placed in charge of a deputy, and was allowed to visit his family and friends. He was in the best of spirits and left for the penitentiary on the day of sentence, being accompanied on the way by members of his family.

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## FRANKLIN S. RICHARDS.

To this able young constitutional lawyer of Utah have been intrusted the causes of the Mormon people in the very crisis of their affairs; which, having been carried to the Supreme Court of the United States, have brought him into close association with some of the most distinguished jurists of the age. This sustained intercourse has been important in its bearings upon our local issues; and, in the sequel, may greatly tend to promote a happy solution of the delicate relations which have so long existed between Utah and the nation. The value of Mr. Richards' service as the legal exponent of the Mormon question, not only to the judges of the Supreme Court of the United States, but also to the apostolic councils of his own Church, was quickly appreciated by that eminent jurist and statesman, Jere S. Black. Thus viewed, a biography of F. S. Richards, the present city attorney of Salt Lake, is pertinent to the City History.

Franklin Snyder Richards is to-day one of the very foremost representatives of "Young Utah." As a constitutional lawyer and statesmanlike legislator he has already made a record, to which every succeeding year of his life must add new lustre. He is among Utah's first-born, having first opened his eyes to the light of day at Salt Lake City, on the 20th of June, 1849, less than two years after the entrance of the Pioneers, and before the organization of the Territorial government here. He is the oldest living son of the eminent Apostle Franklin D. Richards, and Mrs. Jane Snyder Richards, who ranks as one of the most distinguished women of the Mormon church—of which church the subject of this biography has been from his childhood a consistent, intelligent and fearless member. He was early placed at the best schools, and as he advanced in years he received such special instruction as was afforded in this region. Immediately following the completion of his seventeenth year, he received from Governor Charles Durkee a commission as second *aide-de-camp* on the staff of the Second Brigade of the First Division of the Militia of Utah, with the rank of Captain of cavalry. About this same time, Apostle Richards departed for Europe to continue there his very successful work of proselyting and emigrating; and the young Franklin at once relinquished the pleasant life of the pupil to take up the sterner duties of the master. As he shared by inheritance his mother's intellectual force and perseverance; so at this trying time he volunteered to share her responsibilities. He obtained an honorable and lucrative position as the teacher of a large and somewhat select school in his native city; and devoted his income to the maintenance of his father's family For three years he followed this calling successfully; but did not neglect to pursue his own higher studies under private masters. Apostle Richards returned from Europe in 1868; and on the 18th day of December, of that year, Franklin S. Richards was united in marriage with Emily S. Tanner, at Salt Lake City.

In the scientific researches of his student life, the young Franklin's attention had been most attracted by anatomy, physiology and kindred branches of knowledge; and for a time—since he was personally determined to fit himself for one of the learned professions, his friends advised him to pursue the study of medicine and surgery. Fortunately, before this choice was irrevocably made, though not until he had gained such general and technical knowledge of medical science as to be of material value in criminal law cases, his talents were directed into their most fitting channel. In May, 1869, he removed with his father to Ogden, in Weber County. Here he was soon appointed Clerk of the Probate Court, and subsequently was elected County Recorder. There was at this time no lawyer resident in Ogden; there were few established legal forms; the public lands were just coming into market; and a prodigious responsibility at once rested upon the young man. With such diligence and acuteness did he apply himself to the task of formulating methods and devising systems for keeping the public records that he soon achieved more than a local fame. It was remarked by

President Brigham Young that the records of the office of Franklin S. Richards were without equal in the Territory. At the conclusion of his eighth year of service as recorder and his ninth year of service as clerk he retired from these offices, positively declining re-election.

From the moment when Providence brought him into close communion with the law he felt, what others were quick to observe, that he had come to his destined calling. He marked out a course of reading of the most severe and comprehensive character, and this he followed with a persistent ardor which loneliness in the study could not abate, and which mental or physical weariness could not discourage. He did not attend a law lecture nor read a page with any law firm. But on the 16th of June, 1874, he was admitted to the bar of the Third District Court at Salt Lake City. On that same afternoon the veteran Frank Tilford, famous as a brilliant orator and as a sagacious and well-read lawyer—without any solicitation—moved in the Supreme Court for the admission of Mr. Richards to practice. Chief Justice McKean, remarking that the young lawyer had but that morning made his entrance into the District Court, said that he thought this rather rapid promotion. Tilford replied: "Very true, your honor, but the gentleman *deserves* the promotion; he would do honor to the bar of any court." The Chief Justice at such an emphatic endorsement from such an eminent source, changed his judicial severity into graciousness and said, in good-natured prophecy, which has been more than fulfilled: "Mr. Richards, we take pleasure in admitting you to the bar of this court, and we trust that your progress in the profession may be as rapid as your promotion has been to day."

Far removed from the usual surroundings of the law student, Mr. Richards had developed habits of self-concentration and continuous study. His isolation had strengthened his independence of thought, made him a purer reasoner, and fitted him to become an able defender of constitutional rights and the inherent liberty of man.

His first defense was that of a man charged with murder. The prosecution was conducted by W. C Gaston, a very able and eloquent California lawyer. Young Franklin was alone for the prisoner. Fully conscious of the gravity of the case, but with no weak hesitation or timidity, he fought for the prisoner with a skill and vigor which astonished even his familiar friends. His argument is still remembered for its analytical power and touching eloquence. His client was discharged.

The talents of this young man were needed in the public service; and during many years he was chosen to act as attorney for Weber County and Ogden City

In the spring of 1877, Mr. Richards attended conference and the dedication of the Temple at St. George. He was called to go to Europe as a missionary; and his parting from President Young was marked with great solicitude upon the part of the President, who blessed him and charged him to return home should the climate of England prove injurious to his health. The eye of the President had been upon Franklin from his youth, for he was not only born in the Zion of the Rocky Mountains which that great colonist founded, but he was also his kinsman. They parted never to meet again in mortal life; for, before Franklin's return our great statefounder slept with the fathers.

The lawyer-missionary crossed the Atlantic with Apostle Joseph F. Smith, arriving in Liverpool on the 27th day of May, 1877. The rigors of the climate of England just at that season affected him so seriously that he was accorded leave for a period of continental travel. Sometimes with such congenial companions as Col. T. G. Webber and H. B. Clawson, Jr., but usually alone, he wandered over Europe; gaining needed recreation and health, visiting historic and classic lands, and gathering new stores of knowledge for his highly intellectual and observant mind. With these objects in view he did not pass post-haste over the Continent; but remained for a time in various parts of France, Italy, Switzerland, Germany and other countries. After a considerable time spent in these glorious ramblings he returned to England. There he dwelt in London for a period, but subsequently went to the South Coast between Hastings and Southampton. Here he was again seriously affected by the humid atmosphere; and pursuant to instructions he returned home in the autumn of 1877 in company with Apostles Orson Pratt and Joseph F. Smith. Before he had fairly recuperated his usual vigor in his native air, a multiplicity of legal business was thrust upon him.

In the spring of 1878, the litigation commenced over President Young's estate, and Mr. Richards was employed with Sheeks & Rawlins, as attorney for the executors. This difficulty was settled by wise and judicious management, but the following year the main litigation was begun, which brought Mr. Richards into great prominence in all the legal business of the Church.

Mr. Richards, in the summer of 1878, formed a partnership with Judge Rufus K. Williams, formerly Chief Justice of the Supreme Court of the State of Kentucky, the firm name being Richards & Williams.

Next commenced the great suits, involving over a million of dollars, instituted by several of

President Brigham Young's heirs against the executors and trustees of his estate, which assumed such consequence that Geo. Q Cannon, Albert Carrington, and Brigham Young, Jr., were held as prisoners, and the Trustee-in-trust of the Church was placed under heavy bonds. In this great suit the firm of Richards & Williams was retained as the leading counsel for the Church. The case required not only the finest legal subtlety, with perfect conscientiousness, but an almost apostolic concern for the honor and reputation of the dead and living. The case was conducted with such skill for the Church and the executors, that satisfactory compromises were effected and the suits forever settled.

In the fall of 1880, a mandamus suit was commenced in the Supreme Court of this Territory against Robert T. Burton, Assessor of Salt Lake County, by which it was sought to compel him to strike from the registration list the names of all the female voters, which was in effect, an attempt to disfranchise the women of Utah. Richards & Williams appeared, with other counsel, for the defense. The case was dismissed and the right of suffrage preserved to the women.

In the spring of 1881 Mr. Richards was admitted to the bar of the Supreme Court of California. In the succeeding autumn the partnership of Richards & Williams was dissolved. The firm had taken a high professional rank, but Mr. Richards had found the general business too great a task upon him when coupled with his duties as church counsel and his continuous researches into constitutional law. When he withdrew from this connection he practically abandoned the most lucrative branch of legal work; in order to pursue studies and analyses of national powers and the inalienable rights of individuals.

A call was made for a Constitutional Convention, in 1882, to seek the admission of Utah into the Union. With this event the greater period of Mr. Richards' life opened, for it called him to Washington as one of the delegation to present the constitution, brought him into association with the renowned legist, Jere S. Black, and drew him to the front as a political leader in the People's party.

He was elected a delegate to that convention from Weber County, was chairman of the committee on executive department and was a member of the committee on revision and consolidation, which reported the constitution to the convention, he taking an active part in its construction and in all the business of the convention. He was also elected as one of the delegates to present the constitution to Congress. In company with Hons. John T. Caine and D. H. Peery, he started for Washington, June 12th, and labored with the delegation to the completion of all that could be accomplished that season. During his sojourn in Washington, he made the aquaintance of many of the senators and representatives and while there met Judge Black, who came to the capital to see him on legal business in behalf of the people of Utah. Several days were spent with the judge in consultation. Our young advocate evidently made a favorable impression upon the venerable chief among American constitutional lawyers. With his nice sagacity of long experience, Judge Black discerned in a moment that he could read and study the peculiar case of the Mormon people with exactness from the ingenious mind of the young Mormon advocate. He realized that he was consulting with one who understood all the inner views of his people and all the relations of their case, and at the same time had a legal mind, and a knowledge of rights and remedies which enabled him to thoroughly comprehend the principles of constitutional law.

The judge returned to his home at York, Pennsylvania; and in a few days Mr. Richards followed him in acceptance of an invitation. On his arrival at York he was met by the judge and taken to his home—a beautiful country seat about two miles from the central part of the town. There he remained for several days with the judge's family, treated with marked consideration, spending the time from an early hour till late in the evening in consultation upon the great constitutional question of the rights and remedies of the people of Utah. Their conference embraced the whole situation, including congressional legislation and the relation of this Territory and its people to the General Government. There were three great questions for them to determine: First, the situation, involving a knowledge of the history of the people and of the local statutes; second, to determine therefrom and from the laws of Congress what *were* the constitutional rights of the people; next, the legal remedies, or how to maintain those constitutional rights.

The study of the case accomplished, the judge journeyed homeward with Mr. Richards as far as Chicago. The parting between the illustrious jurist and the young Utah lawyer was almost like that of compeers and old acquaintances, so warmly had the former become attached to the latter.

With the passing of the Edmunds Bill, Utah was deprived of her right to be represented in Congress by the delegate of her choice—George Q. Cannon; and in the autumn of 1882, a convention of the People's party was held to nominate a successor. To fill the place of a keen diplomat like William H. Hooper or George Q. Cannon, a man of unusual strength and intelligence was

required. For years Utah had enjoyed the fame of being more ably represented in Congress than any other Territory, and equally as well as any State in the Union; and it was a point of honor as well as a necessity that this high reputation should not be lost. Volumes could not say more of the personal and professional prestige of this young lawyer, Franklin S. Richards, than that he was confidently mentioned by many prominent and observant persons as the man for the occasion.

The convention met with Mr. Richards as a delegate. He was placed in nomination for Congress, and it was evident that his friends and admirers were determined to overlook his protest and secure his nomination, if possible. John T. Caine, a gentleman of long legislative experience, had also been frequently and vigorously advocated for the place. But before there was any opportunity to test the strength of the candidates in the convention, Mr. Richards restored complete harmony. He thanked his friends for the mark of their confidence, but positively declined, in a very neat and modest speech, the honor which they tendered him; then he nominated the Hon. John T. Caine, and requested all his friends to give their support to this gentleman. The speech and conduct called forth murmurs of admiring surprise from the Utah Commissioners, who were present, and who thought it most uncommon for a young man of his talent and fitness to throw away so rare an opportunity, frankly preferring another man for so distinguished a mark of public favor. But in reality this was only a seeming sacrifice; for Mr. Richards showed his good sense and indomitable purpose when he again chose the course of severe study and labor in his profession. It must be apparent to all who are acquainted with the legal history of the Mormon question during the past four years, that no political success possible of achievement by one of his people, could have compensated Franklin S. Richards for the loss of the experience and reputation which he has gained as the advocate of the Mormons in their struggle before the highest judicial tribunal on earth.

At this convention a new departure was made by the People's party, in the adoption of its first political platform. Mr. Richards was a member of the committee which drafted it, and in the campaign which followed, was one of its ablest exponents.

In the autumn of 1882, the now noted mandamus suit was planted against Judge Franklin D. Richards by James N. Kimball—a suit of supreme importance to the people of Utah as it directly involved almost every important office in the Territory. Franklin S was chief counsel for his father in this matter and with his associates succeeded in carrying the case to a satisfactory conclusion.

The latter part of November in the same year, with his colleagues, Hons. John T. Caine and D. H. Peery, he again went to Washington to present to Congress the constitution of the proposed State of Utah, and to ask the admission of the Territory into the Union. George Q. Cannon, whose politcal influence in Mormon affairs had not declined at the capital, accompanied the delegation. There was no real expectation that statehood would be granted at that time; but the application gave to the Utah question a fresh interest. It also afforded to Judge Black an opportunity to deliver before the Judiciary Committee of the House of Representatives his great constitutional argument upon "Federal Jurisdiction in the Territories." This splendid effort is a virtual arraignment of the Edmunds Bill; and in its pure democratic genius is a grand reminder of the golden age of the American Republic. Our young lawyer was with Judge Black constantly during the month that the argument was under preparation; and it is not difficult to trace his ardent, loyal thought for his people in its pages, nor to realize that the profound legist must have taxen great delight in the inspiration afforded by such an interested representative.

The friendship between the great Jere S. Black and Mr. Richards was most sincere. The venerable jurist suggested the introduction of young Franklin to the bar of the Supreme Court of the United States; and he made the motion upon which the order was entered on the 30th day of January, 1883, admitting our Utah lawyer to practice before that august tribunal.

Before the close of February, 1883, the labors of Mr. Richards at Washington were completed for the time being; and he journeyed homeward, traveling from New York to Utah with Serjeant William Ballantine, the famous English barrister, and Mr. Phil. Robinson. These gentlemen were making a visit of observation to the Zion of the Rocky Mountains; and the serjeant eagerly seized the opportunity of conversing with the Mormon advocate. Before they parted the eminent Englishman promised that the enlightenment which he had received should be used to illuminate the Mormon question in high circles of the mother country.

On the 19th day of August, 1883, at his home in York, Pennsylvania, Jere S. Black died, and the people of Utah were deprived of one of their bravest, truest friends, and this Nation lost a pure patriot and one of its greatest constitutional lawyers.

Through the attempted arbitrary disfranchisement of thousands of citizens by the Utah Commission, political complications arose; and as Judge Black was dead it became now desirable to

secure the services of some other eminent and able lawyer; and in October, 1883, Mr. Richards, with George Q. Cannon and John T. Caine, journeyed to Washington. Senator Vest was retained as counsel for the cause of the people of Utah before the courts. During this visit to the East, Mr. Richards renewed his acquaintance with General Thomas L. Kane, whose death in that same year filled thousands of hearts in Utah with sorrow.

Mr. Richards returned to his home in the latter part of November, and about the 1st of January, 1884, he again took his departure for Washington with Hon. Moses Thatcher, to labor in behalf of the people of Utah. He was obliged to leave the national capital in less than a month to take part in the legislative proceedings at Salt Lake, he having been elected to the council from Weber and Box Elder Counties at the August election preceding. He was not able to reach Salt Lake until after the opening of the session; but he had been appointed chairman of the judiciary committee, and immediately upon taking his seat he assumed a prominent and active part in the labors of the Legislature.

On the 18th day of March, 1884, he was appointed city attorney for Salt Lake. He has held the position ever since, having been re-appointed by the new municipal government which came into office in February, 1886. When he accepted this position he removed from Ogden to Salt Lake; thus after fifteen years of absence, he became once more a resident of his native city.

In October, 1884, Mr. Richards appeared as one of the counsel for Rudger Clawson, charged before the Third District Court with polygamy and unlawful cohabitation. The defendant was convicted; but a certificate of probable cause was obtained from the judge who presided at the trial and the case was appealed to the Supreme Court of the Territory. Bail was applied for, pending appeal, but was refused; and a writ of *habeas corpus* was sued out and the question was appealed to the Supreme Court of the United States. In December, Mr. Richards went to Washington and with Wayne MacVeagh, ex-Attorney General of the United States, presented the matter before that tribunal. This case possesses a great and growing historical value, and an epitome of some of the points raised by the Utah advocate are not inappropriate here:

Under the statute the certificate of probable cause stayed the execution of the judgment. The punishment prescribed by the sentence could not possibly proceed against the defendant pending his appeal without a most flagrant violation of the law. The only place of imprisonment over which the U. S. Marshal had any jurisdiction was the penitentiary; and when bail was refused, awaiting the result of the appeal and Rudger Clawson was incarcerated there, he was subjected to the same punishment as would have been suffered by him in actual fulfillment of the sentence. Thus the right of appeal, instead of being a boon was made a burden; for if the judgment should not be reversed, on the theory of the prosecution he was not to be credited upon the judgment with the time of such imprisonment. It would, therefore, speaking merely in a personal sense, have been better for Rudger Clawson to submit to the judgment of the court, however illegal and unjust it might be, than to stay the execution and prosecute his appeal in what might prove to be an illusory hope of gaining redress. Under such a manifestly unjust ruling, if a defendant were sentenced to death, and pending his appeal upon a certificate of probable cause, were to be subjected to the identical punishment prescribed in the sentence, he might be executed at the very hour when a superior tribunal was reversing the judgment of the trial court. A judicial murder would be perpetrated. It is true that in Utah the law accords to judges discretionary power in allowing bail after conviction; but for more than a third of a century it had been the uniform practice in Utah courts to use that discretion mercifully, and to allow the defendant his freedom under bonds until his case had been finally decided. Further than this, in face of the statutory declaration that the granting of a certificate of probable cause shall stay the execution, the refusal of the court to admit to bail was illegal and inhuman.

The Supreme Court of the United States avoided the issue and declined to review the exercise of discretionary power by the trial judge. From this opinion Justices Miller and Field, the two oldest and ablest judges on the bench, dissented and stated that the refusal to admit Rudger Clawson to bail was the arbitrary refusal to grant him what was expressly accorded to him by statute.

Mr. Richards next appeared in the Supreme Court with the "Commissioners Cases," in which Senator Vest had already been retained and in which Wayne MacVeagh also appeared. Franklin did not address the court orally in this case; but he took his usual active part in the preparation of the brief and arguments. The most important points raised in these famous causes were as follows:

Under section viii. of the Edmunds Bill, and by an autocratic wholesale disfranchisement, the Utah Commission excluded from political privileges about twelve thousand citizens of this Territory. Among these were thousands who were no longer living in polygamy or unlawful cohabitation; and

the names of these as well as of all others disfranchised were stricken from the registration lists because they failed to take the test oath formulated by the Commission. Certain citizens thus arbitrarily deprived of political rights brought suit against the commissioners and their appointees. The lower courts ruled adversely to the citizens and the cases, now known under the abbreviated title of "Murphy and others vs. Ramsey and others," were carried to the Supreme Court of the United States. It was argued for the appellants that the law was made to operate as a bill of attainder and therefore as an unconstitutional measure; for it punished people without trial. Further, the act was interpreted as an *ex post facto* law, also under constitutional prohibition; for people were excluded from office and denied the ballot, who for thirty years had not lived in polygamy nor unlawful cohabitation. Notwithstanding the fact that in a former case the Supreme Court had held that the deprivation of a political right for past conduct was punishment; it was declared in these "Commissioners Cases" that the disfranchisement was not punishment, and the eighth section of the act was not a bill of attainder, for the only punitive provisions of the statute were in the first and third sections, and the eighth section merely defined a proscribed status. But the court held that the law was operated as an *ex post facto* measure wherein it was made to disfranchise people who were not living in actual violation of the statute at the time when they applied for registration. If the entire theory of the counsel for the appellants had been accepted by the Supreme Court, no person could have been deprived of his political rights under this bill until he had been judicially proven to be a polygamist, or bigamist, or to be living in the practice of unlawful cohabitation. As it was, doubtless some thousands of people were restored to their political privileges.

In April, 1885, Mr. Richards was again at Washington with Wayne MacVeagh arguing the case of Rudger Clawson on its merits before the Supreme Court. The important questions involved were whether the grand jury which found the indictment and the petit jury which sat in the case were legal juries. The grand jury was made up, by careful selection, of the avowed social opponents and political enemies of the defendant. Every Mormon had been excluded from the jury; although many Mormons when called had declared that, while they might have personal faith in the righteousness of polygamy, they would not hesitate to find indictment wherever the evidence showed a violation of law. It was maintained that this exclusion was illegal; for the rejected men possessed all the statutory qualifications. The only law quoted in justification of their exclusion was section v. of the Edmunds Bill, providing that believers in polygamy, etc., could not serve in *prosecutions* for those offenses. But the impaneling of the grand jury was not a "prosecution for polygamy." It was a proceeding had prior to the beginning of a prosecution; and was not under any statute of the United States, for the impaneling of grand juries is governed entirely by Territorial law. Further, this grand jury was impaneled to inquire—not alone into violations of the Edmunds act, but into all offences against the commonwealth; and yet the entire representation upon the jury was given to a class possessing less than one-fifth of the population. Objection was made to the manner of obtaining the trial jury, which was by open venire, when the statute provided another method for selecting and drawing jurors. The open venire system is an outrage in any land aiming at purity in its judicial tribunals. Armed with the open venire, the marshal may become almost the absolute autocrat of verdicts. From whim or venal purpose he may summon either the friends or enemies of the accused in a criminal case, or the friends or enemies of either party in a civil contest.

The Supreme Court affirmed the decision of the lower court; and Rudger Clawson is now serving the sentence imposed upon him.

With the exception of the sporadic prosecutions against Rudger Clawson, the earlier efforts of Federal officials seemed centered upon making the Edmunds law an effective political weapon. The first general application of any portion of the bill was of section viii. with the wholesale political proscriptions attempted thereunder. It was not until the people of Utah had demonstrated that the public offices of the Territory could not be wrested from them by persons arbitrarily and unnecessarily appointed, and that the disfranchisement of twelve thousand of their number could not give the Territory over to "Liberal" rule, that a vigorous and systematic plan was projected for criminal prosecutions against Mormons for infractions of the first and third sections of the act. These prosecutions were doubtless all the more unrelenting because of political failure. And early in 1885, what is commonly known as the "raid" was emphatically begun.

The extent to which the people could be assailed by political proscriptions, under section viii. had been defined by the Supreme Court; but there had been no such authoritative declaration of how far the people might be assailed by criminal prosecutions. A definition was wanted for the word "cohabit" As it originally stood in the bill it seemed simple enough; but when the Utah

Commission had attached to it the words, "in the marriage relation," it became considerably mystified; and when the courts of the Territory had given their various ambiguous interpretations, it became confusion worse confounded. Under these circumstances an authoritative construction became necessary; and in September, Mr. Richards went to Washington to secure a writ of error in the case of Angus M. Cannon and to have that cause advanced in the Supreme Court. Although it was believed by the bar very generally that the case was not appealable, and the writ had been refused by the Chief Justice of the Supreme Court of the Territory, Mr. Richards succeeded in obtaining the writ from Justice Miller, and in securing the advancement of the cause. In November, 1885, the case came on for hearing, and Mr. Richards made a long and very powerful argument. Some of the salient points were these:

Angus M. Cannon, during the time charged in the indictment, had lived in the same house with two of his wives, but had ceased to occupy the bed of one of them. Indeed, his counsel on the trial offered to prove that no sexual intercourse had taken place between the defendant and his plural wife; but such proffered proof was rejected by the court. Mr. Richards maintained that a precedent could not be found where anything less than sexual intercourse had been held to be criminal cohabitation. He challenged the Government to quote any such case; but it was conceded that none existed. The Utah advocate reminded the court that this bill was vaunted as a moral measure for the sexual purification of the Nation. The language of the act was general and had an ostensible claim to fairness. And yet, under the partial construction given by the lower courts to the plain words "cohabit with more than one woman," a man might live openly and notoriously with two or a dozen women and call them mistresses; he might eat and sleep with them; might acknowledge their children to be his own; might flaunt his lasciviousness in the faces of judges, prosecutors and grand jurors, and their wives, mothers and daughters—and this boasted law to protect the sanctity of American homes could not touch him: but if he dwelt under the same roof with two women and called them his wives—though he should never have sexual intercourse with either of them; though he should never intrude his family affairs upon the sensitive morality of the public; though he should merely retain the passive status of the polygamist, which status this Supreme Court has said he need not terminate—he would be brought before the courts, and, regardless of age or circumstances, would be thrust into a vile corral, disgracing the name of government prison, to be the companion of degraded and desperate felons. Thus arises the pertinent inquiry: "Is it actions or words which the law declares against?" Two men live in a similar manner—each cohabiting with three women. One says, "mistresses," and he is a free voter; the other says, "wives" and he is a disfranchised convict. Mr. Richards, in the most moving terms, besought the Supreme Court to give to the term cohabitation a clear, fixed and humane definition, that people honestly seeking to understand the law might have some interpretation to rely upon which would be more trustworthy than the shifting, evasive, treacherous meanings given to the word by the lower courts.

This latter point the Supreme Court utterly ignored. The decision affirmed the judgment of the lower court; but Justices Field and Miller dissented upon the ground stated in the argument of Mr. Richards, that—according to all precedent, criminal cohabitation implied sexual intercourse.

In April, 1886, Mr. Richards was once more at Washington presenting to the Supreme Court the three cases of Lorenzo Snow for unlawful cohabitation. Some of the notable features of these causes and their trial in the lower courts were raised as follows: One alleged offence covering one continuous space of time was segregated into three charges, each covering an arbitrary period—thus making three punishments where at most but one could have been legally and justly inflicted. Also, the defendant was proved not to have lived with more than one woman during the time charged in any of the indictments. It was admitted by the defendant that he recognized and "held out" the women named in the indictments as his wives; but at the same time it was proved by incontrovertible evidence that the parties had not lived together. And, as the definition of cohabitation promulgated from the Supreme Court is "the living together as husband and wife," it was maintained that under the evidence no legal conviction could be secured. In the defense of these causes the people's advocate entered with an especial devotion. From Franklin's childhood Apostle Snow had been the close friend of the Richards family. Now he was in the sunset of life; his apostolic career had been one of marked vigor and brilliancy; and there was some reason to fear that, despite the lack of evidence against him, an effort was being made to punish him for all the other leaders of the Church whom officers were unable to find. The cases were fought step by step, but all the time the grim, heedless determination to convict became more apparent. Knowing the legal innocence, and yet realizing the jeopardy of his friend and client, Mr. Richards made some of his most forcible and touching arguments. In addressing the juries, he showed them how Lorenzo Snow was being wil-

fully offered as a sacrifice to the insensate clamor of the multitude. He implored them to exert the force of their position to stay the wave of reckless, partisan condemnation which was sweeping over the Territory; and to hold the zeal of the self-avowed reformers within the bounds of law and justice. These appeals to courts and partisan juries were ineffectual; and the cases went up to the Supreme Court, where they were heard in the latter part of April, 1885.

In the presentation of these causes to the Supreme Court, Mr. Richards became associated with George Ticknor Curtis, a man whose legal and literary fame is of the brightest. The exposition of the cause of the Mormon people, as involved in these cases against Lorenzo Snow, was fully, fearlessly and patriotically made. Mr. Curtis, with his eminent ability as an expounder of the Constitution engaged his heart and intellect in the work. He was tireless in obtaining information upon the subject from Mr. Richards; and the arguments of the two advocates—the famous Washington legist and the eloquent Utah lawyer, together constitute a masterpiece of law and logic.

The well known result of the hearing of these causes is not uncomplimentary to the illustrious jurist and his associate. When they had completed their work, there seemed no possibility that the Supreme Court could fail to give the desired relief. And when, after the long hearing which was accorded, the court took the novel position that it lacked jurisdiction; the feeling was generally entertained that the arguments for the plaintiff in error had been found unanswerable.

It is clear that Mr. Richards has full faith in the righteousness of the Mormon cause. He declares that the same principles of law and rules of evidence obtaining in other cases should be applied in these questions. For this common justice, he has constantly appealed to the Supreme Court of the United States; at the same time expressing an absolute certainty that, if fair treatment were accorded, many of the useless persecuting proceedings would be checked.

But it seems the fate of the Mormons as a class or as individuals to find religious bigotry and political hate always thrown into the scales against them. And when Mr. Richards has seen his appeals for impartial treatment ignored; as the advocate of a people already suffering martyrdom, he has not hesitated to sound the warning note even to the highest tribunal in the land. Mr. Richards claims that the history of jurisprudence upon the Mormon question shows a steady descent, each final decision marking a downward step. He says that continued progress in this direction must ingulf all the inherent rights and guaranteed privileges of the citizen in the abyss of unconstitutional laws and decisions; and when that dread day shall come, though his clients may lead the van of the sufferers, they will not be the only martyrs nor their religion the only one proscribed.

Mr. Richards has had a considerable measure of professional success. As a counselor-at-law he has declined cases not manifestly meritorious; and when he has taken a case, he has gone to his labor conscientiously and hopefully. His nature is charged with a lofty enthusiasm, which in his speaking to a jury or to a public audience is highly contagious, affecting the sensibilities, while his argument aims to appeal to men's better judgment and their love of right. There is one especial quality in his arguments before the Supreme Court which has commanded both attention and respect—namely, his earnestness. The causes of his people are also the causes of the advocate, and old lawers of national fame, attracted by his ardor, have rested awhile the study of their own briefs.

The personal qualities of Mr. Richards are strongly marked. He possesses great moral courage and dignity; and is yet affable and entertaining. His memory is retentive and his mind is highly cultured. Such characteristics, added to legal fitness, have made professional advancement easy and rapid.

The biographer must view Franklin S. Richards as having been predestined to become the legal defender of the Mormon cause. We believe that he was providentially set apart to be one of the instruments in effecting a settlement of the Utah social and political problems. He has been fitted and shaped for the work; for with an apostolic relation to the cause of the Mormon people, he has the lawyer's mind to deal with it from a purely political point of view. He understands the peculiar case of his people from the religious standpoint of the leaders of the Church and the high constitutional standpoint of Judge Black; as well as from that other standpoint, the one taken by the Federal prosecutors and courts in Utah. It is this comprehensive knowledge—including in its view the gospel and the law, which gives him such a peculiar fitness for his position as chief advocate for the Mormon people in the courts.

The Mormon cause was not obliterated by the Edmunds law; and there will be a constant struggle by the people for the application of just and constitutional principles to their case.

Franklin S. Richards had a grand intellectual inheritance, being descended from a long line of staunch patriots and strong-willed professional men. Possessing high aspirations and hereditary capacity for growth, he has not stopped at knowing the law of the books, but has sought to learn the

laws written upon the heart of humanity as well as those underlying principles of justice which are the only sure foundation for the government of an enduring, free republic. His independent study and training in the law peculiarly fit him to become an exponent of the Constitution; just as the situation of his people is such as to call for a lofty patriotism and a pure and fearless exposition of the Nation's charter before the court of last resort. The cause of the Mormon people is the greatest one which has ever been before the supreme tribunal of this land, except the question of human slavery; and the people do well to choose a lawyer whose intellect and conscience unite in advocacy of the cause. The day is past for a common-place defense or for a defender who is hampered by a regard for popular clamor or ill-founded, unconstitutional precedents. No politician of the schools would do for the crisis when the Union was in jeopardy—the destiny of the Republic required the unhampered will and simple grandeur of the backwoods Lincoln. Now that conventional legislators, jurists and legists—forgetting that there is an eternal divinity in our charter of liberty, are joining in the new fashion of universal unbelief and are casting away the Constitution as a worn out garment; may we not hopefully look for exponents and defenders of that sacred instrument to arise like Lincoln, the emancipator?

Here let us leave the subject of this brief sketch—just as his people and himself are entering the shadow of those coming events which include the salvation or the destruction of a church and a commonwealth.

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## CHARLES W. PENROSE

Charles William Penrose, one of the foremost citizens of Utah, and one whose name is a synonym for rapid thought and untiring activity, was born at Camberwell, London, England, on the 4th of February, 1832, and is a scion of well known Cornish families, who were stockholders of tin mines. Being naturally of a studious and inquiring turn of mind, with quick perception and remarkable memory, he speedily mastered at school the common rudiments of education. He read the Scriptures when only four yers old, and was well versed in the doctrines of the Bible, the wonderful sayings and predictions of the Savior, and the ancient Prophets and Apostles. This paved the way for his acquaintance with, and his subsequent acceptance of, Mormonism, which, from its Scriptural character, its reasonable and substantial doctrines, feasible theories, and sound practical results, attracted his attention while a mere lad, and, in due time, after he had thoroughly investigated and compared its teachings with the Bible, numbered him among its converts.

He joined the Church of Jesus Christ of Latter-day Saints in London, May 14, 1850, and is the only member of his father's family who has ever embraced the faith. His scriptural attainments and spiritual inclinations soon brought him under notice of the presiding authorities of the London Conference, and in January, 1851, when not yet nineteen years old, he was ordained an Elder, and two months later was sent on a mission to Maldon, in Essex, to preach the Gospel, "break new ground," and build up branches of the church. This movement was much in opposition to the wishes of his friends, and to his own pecuniary interests, as he had been offered, on condition of his remaining home, a life situation at in a government office. Shutting his eyes to the gilded bait of temptation, he took up the cross of the master, and literally "without purse or scrip," taking not not a penny in his pocket, nor even a change of dress, started out afoot upon his mission as a servant of the Lord.

With bleeding feet but undaunted heart, he reached the town of Maldon, having slept out of doors for the first time in his life the chilly night previous. He was an utter stranger in the place, and the first "Mormon" Elder to visit that region of the country. He met with much opposition, but steadily worked his way in the town of Maldon and the country round about, and succeeded in raising up branches of the Church in Maldon, Danbury, Chelmsford, Colchester and other places, baptizing a great number of persons of both sexes, many of whom are now in Utah, and being instrumental, by the laying on of hands, in the restoration to health of many persons afflicted with disease. He possessed the gift of healing to a remarkable degree, and several of the cures performed were of a miraculous order. He labored for seven years in poor agricultural districts, open-

ing new missionary fields, building up branches, suffering many hardships and trudging on foot between three and four thousand miles every year. It was during this period, on the 21st of January, 1885, that he married Miss Lucetta Stratford, of Maldon, sister of Bishop Edward Stratford of Ogden, who with all the family he had brought into the Church. Elder Penrose was next called to preside over the London Conference, and subsequently over the Cheltenham Pastorate, consisting of the Cheltenham, Worcestershire and Herefordshire Conferences; and later over the Birmingham Pastorate, consisting of the Birmingham, Warwickshire, Staffordshire and Shropshire Conferences. His pen, ever brilliant and keen, at this time was almost as busy as his ready tongue. He wrote many theological articles for the *Millennial Star*, principal Church organ of the European mission, and out of the silken and golden threads of his poetical thoughts and emotions, wove the fabric of those beautiful songs of Zion which have cheered the hearts and fired with patriotism and holy zeal the drooping souls of thousands.

In the year 1861, after over ten years of gratuitous and successful service in the ministry, he was released from his labors and emigrated to America. He crossed the sea in the sailing ship *Underwriter*, assisting in the charge of 620 passengers, and living with them in the steerage during the thirty days passage from Liverpool to New York. He also helped to care for them during the journey through the States and up the Missouri river. He crossed the plains, driving his own ox team, with his family and his wife's relatives, and was eleven weeks on the toilsome way.

Arriving in Utah he settled in Farmington, Davis County, and for the first time in his life went to work in the fields, climbing the mountains for firewood, and laboring at the hardest kind of physical work, for which he was naturally unfit, and teaching school in the winter. He made headway, however, and acquired a small home. During his three years residence there, he was ordained one of the presidents of the 56th quorum of Seventies. In the fall of 1864, at the solicitation of Apostle E. T. Benson, he removed to Cache Valley and again labored for a home, teaching school in the winter. He had scarcely more than secured some land, a log cabin and lot, when he was called, in April, 1865, to go to England on a mission, and was notified to be in Salt Lake City by the first of May, prepared with means to carry him on his journey.

In company with forty other missionaries, in charge of Captain Wm. B. Preston, Elder Penrose set out upon his second journey across the plains, with mule teams, but walking most of the way. They were thirty-six days in reaching Omaha. The Indians were very hostile at the time, and people were killed before and behind the little band of missionaries, but they got through in safety, despite many fears and predictions to the contrary, and reaching New York, sailed for Liverpool. Elder Penrose arrived in England, labored first among the colliers in Lancashire, with success, and on the first of February, 1866, was sent to preside over the Essex Conference, which he had built up several years before. On the 6th of June following he was appointed to preside over the London Conference. He traveled all over the British Isles and visited Paris during the great exposition. The last two years of his mission he assisted to edit the *Millenial Star*, under President F. D. Richards; also preaching on Sundays in different places, baptizing many in Liverpool, and helping to ship many companies of emigrating Saints. At the close of the emigration season of 1868, he was released from his mission and sailed for home; taking rail from New York to Point of Rocks, and thence by stage line to Salt Lake City, arriving in Utah after an absence of three and a half years.

He next engaged in mercantile pursuits, with W. H. Shearman, in Logan, under the firm name of Shearman & Penrose, and did a fine business until the co-operative movement was instituted, when the whole stock was turned over to the new institution. On the first of May, 1869, Mr. Penrose became secretary and treasurer of the Logan Co-operative Institution, and bookkeeper for the store. He acted as a home missionary, traveling and preaching on Sundays, often in company with Apostle Benson; was a member of the high council, and took an active part in all Church movements in the county.

In January, 1870, he resigned his position in the Co-operative Institution, bade adieu to Logan and took up his residence in Ogden, having been invited by Apostle F. D. Richards to take editorial charge, under his supervision, of the Ogden *Junction*, which had just been started as a semi-weekly. This was an occupation for which he was peculiarly well fitted, not only by nature—which undoubtedly designed him for a journalist—but by education and experience; and the paper which he did so much to build up and render popular, and which lived and prospered as long as he was connected with it, will be long remembered for the interest and pointed vigor, the "snap and ginger" of his pungent writings. He was assistant editor one year, and was then made editor-in-chief, and afterwards business manager as well. He started the *Daily Junction* in September, 1872, and

much of the time was its editor, local, business manager, and traveling agent, and—to use his own terse expression—was "worked half to death."

Having previously become naturalized, he was elected, February 13, 1871, a member of the Ogden City Council. He took active part in all the affairs and improvements of the municipality as long as he remained in Ogden, and he was re-elected to the council every term; his name was found on both tickets whenever there were two parties in the field. He served, in all, four terms, and before the expiration of the last one had removed to Salt Lake City. At the organization of the Weber Stake of Zion he was ordained a High Priest and made a member of the High Council, and remained so for a long time after his removal from Ogden. He also acted as a home missionary both in aS take and Territorial capacity.

His political record in the municipality having won him influence and the confidence of his associates and the people generally, he was chosen delegate from Weber County to the Constitutional Convention of 1872, being elected by the popular vote on February 5th, of that year. He helpe l to frame the Constitution of the State of Deseret and the memorial to Congress, being on the committees having that work in hand. The same year he represented Weber County in the Democratic Territorial Convention, which was composed of both Mormons and Gentiles, and nominated for his wing of the party, Hon. George Q. Cannon as delegate to Congress, making a pointed speech in the convention. He was a member and secretary of the People's County Central Committee, and a live worker in all political movements, making speeches and using his influence in every way for the success of the People's party. During the same period, he was busily engaged in ecclesiastical affairs under President Richards.

In August, 1874, he was elected a member of the Legislature, representing Weber County in the Territorial Assembly. He took an active part in all general measures, introduced a number of bills, drafted public documents, and rendered other valuable service for which his literary ability and native legal acumen well qualified him. At the same time he wrote all the editorials and reports of the Legislature for the Ogden *Junction*. In 1875 he found himself so overworked that he resigned the business management of the *Junction*, but continued as editor, and did all the literary work, local and telegraph included, for both the daily and semi-weekly issues. He also continued active in municipal and Church affairs.

In the fall of 1876, Mr. Penrose went to California to represent Thomas and Esther Duce, mother and son, in the adjustment of a pecuniary issue. In September of that year the Duces had been shot by a Wells, Fargo & Co 's guard who dropped his gun, a double-barrelled weapon loaded with slugs; the whole contents being fired into them. Thomas was literally riddled, and his mother was shot through the windpipe. Mr. Penrose, assisted the doctor to dress the wounds; both patients recovered. The company disclaimed responsibility for the accident, but Mr. Penrose met with the managers in San Francisco, prevailed on them and obtained five thousand dollars compensation for the Duces.

In June, 1877, by request of President Brigham Young, he came to Salt Lake City and became connected with the *Deseret News*, under the general editorial management of Hons. George Q. Cannon and Brigham Young, Jr. The *Junction* Company keenly felt his loss, and offered to give him the paper entirely. On the organization of the *Deseret News* Company, at the first meet- of the Board of Directors held September 3d, 1880, C. W. Penrose was made editor-in-chief of that veteran journal, and still remains so. He became a home missionary of the Salt Lake Stake, and traveled and preached in many places.

At a special election in 1879, held for the purpose of filling the vacancy caused by the death of Hon. A. P. Rockwood, member elect of the Legislature for Salt Lake County, Hon. C. W. Penrose was the people's choice for that office, which he filled with credit to himself and to the satisfaction of his constituents. He served during the session of 1880 on various important committees, including the judiciary, and introduced many bills, among them a bill t > take away all political disabilities from women. The bill created no end of discussion, comment and debate, its author making able and pithy speeches in its favor, and finally it passed both houses but was vetoed by the Governor. Following is one of his speeches on this question which will serve to show his style:

"Utah is the home of liberty for all, and peculiarly the sanctuary for w >men; here all her rights are popularly acknowledged and accorded Here she is protected and defended. Here the conventionalities which have kept her in bondage for ages are thrown aside by the force of an enlightened estimate of her capabilities and an enlarged view of her claims is an integral part of the body politic. The right to vote has already been conferred upon her. The laws of the nation declare her a citizen equal with man; the laws of this Territory give her equal rights with man at the polls. This has

worked no injury to any, but will necessarily result in good. For the power of the suffrage will develop thought, and its responsibilities give occasion for reflection, and the enlarged capacities of women which will be the natural consequence, will be transmitted to her offspring, and benefits will thus accrue to the State in the coming generation.

"None of the disasters predicted by the opponents of woman suffrage have occurred in this Territory. The women have exercised their power in wisdom, and have shown their fitness for the trust reposed in them. They have not been degraded nor polluted in the waters of politics, and are just as good wives, mothers, sisters, cousins and aunts, as before receiving the elective franchise. Recently they have had some voice in our caucuses and conventions and nominating committees, and who can say truthfully that this has been in any way inimical to the community. Giving them the right to vote without the right to a voice in the arrangement of a ticket or platform on which to vote, would be partial and inconsistent.

"Having done so much for woman's cause, why halt in timid hesitation before the last barrier to her politicial freedom? The word 'male' in our statutes, defining the qualifications of citizens for holding offices, is a relic of the old system of woman's vassalage. It is a standing reflection upon her sex. It is a plain assertion of her inferiority. It says, virtually, no matter how wise, intellectual, honest, thrifty, able and gifted a woman may be, she is not fit to be entrusted with the responsibilities of the smallest office in the gift of the people. If this is not its meaning, then it is a selfish declaration that all the honors and emoluments of every office shall be reserved to the stronger sex, because man has the power to elbow woman out into the cold and keep her there. There are some offices for which women are not adapted. But are there not also some offices for which many men are not adapted? Yet no man, however inefficent, is debarred by statutory provisions from such positions. But woman is shut out from all and this purely and solely because she is woman.

"The good sense of the great body of electors of both sexes must determine what those offices may be, and as in the case of men, which persons are the most competent to fill them. The bill will not secure a single office to a single woman—or a married one, either. But it will break down in Utah a wall which is in the way of the march of progress, and every stone and brick of which will yet be entirely removed in every nation that is really civilized.

"Massachusetts and other States have commenced the work. Women there can not only vote on school matters, but hold official positions on school boards and other State educational organizations. They have the same privileges in Kansas. In Utah, where the elevation of woman as man's companion, not his slave, is the prevailing social theory, she cannot, under the law, hold any office of any kind whatever. Cache County would have elected a lady to the office of County Superintendent of Schools, one who has proven to the people her ample qualifications for the post. But the law forbade it. Salt Lake County contemplated nominating a talented lady for the office of County Treasurer, but the disability which this bill seeks to remove stood grimly in the way.

"It is not asked that certain offices be set apart for either sex. We are simply requested to remove this ugly and staring brand of woman's politicial inferiority from our statute book. To render it possible for women to fill such offices as they may be fitted to occupy with honor to themselves and profit to the people.

"Now, I do not cite these as sample offices to which women should be elected, but merely to refer to these facts in illustration of the subject and to show reasons why the discriminating and egotistical word 'male' should be expunged from the statutes relating to qualifications for office. Used in this light, it is a slur on our wives and sisters and mothers. It is a vestige of the barbaric estimate of the gentler sex. Away with it! Blot it out with the pen of a progressive age and the ink of advanced ideas! Let it go with its companion that once stood in the way of woman suffrage, but was swept into the limbo of antiquated measures by the besom of the act of 1870. Give to the women of Utah—there are no better in the world—full, perfect and complete political liberty."

Mr. Penrose was re-elected and served in the Legislative session of 1882; he was chairman of the committee on claims, and did a great deal of work on various committees; being particularly useful in drafting public documents and correcting errors in the framing of bills. He was elected to the constitutional convention and helped to frame the Constitution of the State of Utah, which was making another effort—under a change of name from 'Deseret'—for its long withheld right of admission into the Union. He also assisted to prepare the memorial to Congress. All this time he was performing editorial work for the *Deseret News*.

The death of David O. Calder, in the summer of 1884 caused a vacancy in the Presidency of the Salt Lake Stake of Zion, which was filled August 2d, 1884, Elder Penrose being then appointed,

at the quarterly stake conference, second counselor to President Angus M. Cannon. His voice was often heard in the Tabernacle and in other congregations of the Saints; he was an ever ready and apparently unfailing fountain of instruction. As one of the Presidency of the Salt Lake Stake of Zion it was also a part of his duty and labors to sit in the High Council in judgment upon all matters before that tribunal.

In the fall of 1883, in order to recuperate his energies, which were sorely taxed by overwork, he took a trip, in company with C. R. Savage, Esq., over the D. and R. G. Railway to Denver, thence through Colorado, south to New Mexico, Arizona and California, returning to Utah *via* the Central Pacific route. He now resumed his manifold duties. He had previously written a valuable work entitled "Mormon Doctrine." In the fall of 1884, he delivered several Sunday evening lectures in the Twelfth Ward Assembly Hall, answering anti-Mormon objections and charges against the faith and practice of the Latter-day Saints. Chief of these lectures were those on "Blood Atonement" and the "Mountain Meadows Massacre," completely refuting the common stories in relation thereto. Both lectures were published at the *Juvenile Instructor* office. He continued to defend the "Mormon" cause politically and religiously, by press discussions as well as public speeches and private interviews with strangers. These vigorous labors excited the hostility of the anti-Mormon ring, and he was singled out, in the crusade under the Edmunds law, as a conspicuous target for their animosity. In the beginning of January, 1885, he was sent on a brief mission to the States, and during his absence his legal wife and family, down to a boy eight years old, were compelled to go before the grand jury. The wife refused to testify against her husband, but the evidence desired was extorted from the children.

While in the States Elder Penrose was appointed on a mission to England, and forthwith bade farewell, by letter, to those he held most dear this side of the water, and once more crossed the bosom of the mighty deep. After a rough passage and safe landing at Liverpool, he was appointed by President D. H. Wells to preside over the London Conference, and assist editorially on the *Millennial Star*." He revived the work in London, his old field of labor, was gladly hailed by former acquaintances, wrote several articles for London papers, helped to ship emigrants of every company from Liverpool, and attended conferences with President Wells all over England, Scotland and Wales. He also visited Ireland and preached in the open air in the city of Belfast to three thousand people. A great uproar ensued, followed by a spirited discussion in the Belfast papers. He visited Dublin and the Isle of Man, and from there went to the Lake District of England. He accompanied President Wells on his continental tour through Denmark, Sweden, Norway, Germany and Switzerland, preaching in Copenhagen, Christiania, Stockholm, Berlin and Berne, returning to England by way of Paris. He made a stir in several English towns and brought many persons into the Church, besides writing articles for the *Star* and also for the *Deseret News* to the interest of which he is devoted though in "exile."

He is still engaged in laboring and writing for the cause to which he has consecrated his time and talents for so many years. He has a firm and thorough belief in the truth and triumph of Mormonism, and is kept from the society of a loving family and a wide circle of cordial friends by the same merciless persecution which has thrust so many good men behind prison doors.

At the age of fifty-four he retains apparently all his original activity of mind and physical energies. Time and toil have made but moderate inroads upon his extraordinary vitality. This is all the more remarkable from his not being of a robust constitution—though of healthy physique and strictly temperate habits—and his persistent and almost incessant mental activity. It exemplifies anew the truth of the proverb that it is better to wear out than to rust away. Mr. Penrose is of a highly sensitive and nervous organization; quick to think, speak and act. His talents are so versatile it is almost a question as to "wherein kind nature meant him to excel." He is poetical, musical, has fine spiritual perceptions, and also leans to science and law. His forte is generally thought to be journalism, in which he shines with lustre, while as a preacher and polemical writer and debater he has but few equals. His talents and energy fit him eminently for a missionary, in which important calling he meets invariably with success. His practical experience in various walks of life gives him an insight into the thoughts and workings of all classes of society; his advice is sought in difficulty and doubt, and he wins his way easily to the hearts of his fellow-men. Charles W. Penrose is a remarkable man. Nature stamped him as such, and his life work, thus far, confirms the truth of her decree.

## GEORGE REYNOLDS.

To Mr. George Reynolds must be given the honors of being the first among the polygamous martyrs. The narrative is thus given in the *Contributor* under the caption of "A Living Martyr:"

"In the summer and fall of 1874, while James B. McKean was Chief Justice of the Territorial Supreme Court and Judge of the Third District Court, and William Carey was United States Prosecuting Attorney for Utah, efforts were made to find indictments, under the Congressional law of 1862, against polygamy and bigamy, and the arrest and trial of several of the leading authorities was threatened. As those whom the prosecuting attorney had set upon, were known not to have violated that law, their so-called offenses, having been committed previous to its passage, it was apparent that any effort to convict them would be futile and their trials would simply amount to annoyance and persecution. It was therefore agreed by the prosecuting attorney, and others, that if a suitable person were provided, the contemplated prosecutions would be abandoned, a fair trial would be given him, as a test case, and the constitutionality of the law would be tested. Our people believing that the act of 18[illegible] would be annulled on appeal to the Supreme Court.

"After this arrangement had been made, the selection of some one to stand the trial was considered and Elder George Reynolds, who had not been thought of by the officers, was approached on the subject, and consented to be the victim. He furnished the witnesses and testimony to the grand jury, and his case was accepted by the attorney as a fair test case. Accordingly on Friday, October 23d, 1874, the grand jury, John Chislett, foreman, reported a true bill against him, and on the following Monday he presented himself in court and plead not guilty to the felony alleged in the indictment. He was admitted to bail in the sum of twenty-five hundred dollars. On March 31st, 1875, the trial commenced and lasted two days. The jury returned a verdict of guilty, and on the 10th of April, the prisoner was sentenced to one years' imprisonment, and to pay a fine of three hundred dollars An appeal to the Territorial Supreme Court was immediately taken, and Brother Reynolds was liberated on a five thousand dollar bond.

"The most intense feeling of emnity and persecution, was manifest during and immediately after this trial, by the prosecuting officers, William Carey and R. N. Baskin. They even went so far as to demand the imprisonment of the defendant, pending the appeal to the higher court. This was, however, overruled by the judge. On the 19th of June, the Supreme Court, comprised of Chief Justice Lowe and Associates Emerson and Boreman, reversed the decison of the lower court, set the indictment aside on the ground of the illegality of the grand jury which found it, (that body being composed of twenty-three instead of fifteen men, which the law requires,) and Elder Reynolds was released from his bonds.

"On the 30th of the following October, however, the new grand jury, Horace Bliss, foreman, found another indictment against him, and he was again arrested November 1st, 1875, plead not guilty and was admitted to bail. On December 9th his second trial commenced, before Chief Justice White, Lowe having removed, and the following jury: Henry Simons, foreman, Emanuel Kahn, Eli Ransohoff, B. F. Dewey, Charles Read, George Hogan, Ed. L. Butterfield, Frank Cisler, Samuel Woodard, Nathan J. Lang, John S. Barnes, Lucien Livingston.

"During this trial the unfair efforts of the prosecuting attorney, aided by the arbitrary rulings of the court against the prisoner, showed that Carey had departed from his agreement to try the case as a test on the constitutionality of the law, and that he was doing his utmost to fasten criminality upon the prisoner and to secure his punishment. When this treachery was discovered, the defendant, of course, did his utmost to thwart the prosecution and to save himself. An incident of the trial will indicate to what extreme measures the zeal of the court and prosecuting attorney carried them. Mrs. Amelia Reynolds, Brother Reynolds' second wife, could not be found when the second trial came, and the vicious efforts of the court to punish her husband, instead of to proceed as agreed upon before, were manifest. In consequence of the failure of the prosecution to produce this witness, the court permitted the attorney to call the lawyers and others in attendance on the first trial, and accepted their testimony of what Mrs. Reynolds said at that trial as pertinent evidence; a most unheard of proceeding in any court. The jury returned a verdict of guilty, and on December 21st, Brother Reynolds was sentenced to two years at hard labor in the Detroit House of Correction, and to pay a fine of five hundred dollars. An appeal was taken to the Territorial

Supreme Court, pending which he was liberated under bonds of ten thousand dollars, W. H. Hooper and H. B. Clawson sureties.

"The case came up on appeal June 13, 1876, and was argued before the three judges, Judge Shaffer being now chief justice, the associates the same as before. They listened to the argument, and on July 6th, unanimously confirmed the decision of the District Court. An appeal was at once taken, as contemplated from the first, to the Supreme Court of the United States, the court of last resort. Over two years passed before the case came in its order before that august body, when, on the 14th of November, 1878, it was called up. The attorneys for the appellant were G. W. Biddle, of Philadelphia, and Ben Sheeks, of Salt Lake City. Solicitor General Phillips appeared for the United States. The arguments occupied two days, and the case was taken under advisement. On the 6th of January, 1879, Chief Justice Waite delivered the decision of the court, confirming the previous decisions of the lower courts. It was unanimous but that Justice Field non-concurred on a minor point.

"As soon as this decision became known efforts were made for a re-opening of the case, on the ground that the sentence rendered included "hard labor," which exceeded the law in this case and the authority of the judge to pronounce. When this matter came before the United States Supreme Court, instead of setting aside the verdict and ordering the proceedings to be quashed, that body issued the following order, dated May 5, 1879: "And that this cause be, and the same is hereby remanded to the said Supreme Court [*i.e.* of the Territory,] with instructions to cause the sentence of the District Court to be set aside, and a new one entered on the verdict in all respects like that before imposed, except so far as it requires the imprisonment to be at hard labor."

"During the time occupied in remanding from the higher courts to the Third District Court, where the case was tried and the sentence pronounced, a monster petition to the Executive at Washington was prepared, setting forth that the prisoner's was a test case, and asking for his pardon. The petition was signed by over thirty-two thousand names but was unheeded by the President.

"On June 14, 1876, the corrected sentence of two years imprisonment and five hundred dollars fine was pronounced by Judge Emerson, and on the morning of the 16th, Brother Reynolds started in custody of Deputy Marshals Geo. A. Black and Wm. T. Shaughnessy for Nebraska State Prison at Lincoln, where he had been ordered by the Department of Justice. He arrived on the 19th, and was subjected to the usual indignities, which prisoners there must submit to: his beard being shaved, hair cut and clothes exchanged for the prison garb; he was assigned the duties of bookkeeper in one of the industrial departments of the prison. He remained in Lincoln but twenty-five days, when he was ordered back to Utah. Arriving on the 17th of July, he was conveyed directly to the Penitentiary where he remained until the 20th of January, 1881, when with the remission of one hundred and forty-four days, provided by the good conduct act of 1880, his term of imprisonment expired.

"On Brother Reynolds' return to Utah he was permitted, as are all of the prisoners here, to occupy his time as he chose. This liberty together with the privilege of seeing his family and friends, when they wished to call upon him, did much to mitigate the distress of his confinement. He being a student and writer spent much time in study and writing for the press, contributions from his pen being published in the *Contributor*, *Juvenile Instructor*, *Millennial Star*, *News*, and other papers, periodically, during the whole time of his imprisonment. During the last five months he has been engaged in preparing a concordance of the Book of Mormon, on the general plan of Cruden's concordance of the Bible. He has already compiled over twenty-five thousand references. It is to be hoped that we shall soon see this important work completed and published, as it will be of the greatest assistance to missionaries and all students or readers of the Book of Mormon.

"In the Utah Penitentiary there are an average of about fifty prisoners. Many of them, becoming interested in the good advice and example of Elder Reynolds, were enrolled as pupils in a school, which he volunteered to teach, and in which he was quite successful for several months. The influence he exercised over the prisoners was most salutary. It was said that from the time of his advent among them until his departure, there was less difficulty or disturbance among them than would formerly be met with in a single week. General Butler, the warden remarked that 'Reynolds was worth more than all his guards in preserving good order among the prisoners.' Even among the wildest and most wicked it was noticed that they would not indulge in their evil propensities, when he was around, as other times; thus showing the respect in which he was held. In consequence of this assistance to the officers and in appreciation of his deportment and bearing as a man, Marshal Shaughnessy and Warden Butler did all in their power, without departing from the line of duty, to make him comfortable and help him in his writing. He had many

difficulties to contend with in the winter time, having no shelter for his paper, or stand on which to write. We would think it a particular hardship to be obliged to nail our copy on the prison wall and, as we sat on a small stool facing it, write on a lap-board. In this manner Brother Reynolds has spent many a day in the preparation of matter for publication; the cold often benumbing his fingers, the dust blinding his eyes, and gusts of wind flurrying his paper all over the prison yard. For the last few months, the warden permitted him to occupy the guards' dining room, during the day, which very greatly promoted his comfort and enabled him to do much more work.

"His health was good all the time, and but for the nervousness, which nearly always accompanies confinement, no change can be detected in him; from that a few days of liberty among family and friends will effect entire recovery. He says he was never happier, for he felt that he was suffering for a just cause, and had a living testimony that God was with him. Yet to a man of his temperament, fondly attached to home and family, the trial must have been a hard one; not only upon him but upon his heroic family, who suffered equally in all but the loss of physical liberty. The patient, forbearing, and uncomplaining manner in which they have helped to bear this cross, for Zion's sake, deserves the warmest praise from all. Their example of faith and integrity is an an undying one to those who believe as they do, and of itself forever refutes the wicked imputation of the Supreme Court of the United States, that the principle for which they have suffered is not a fundamental and sacred one of a pure religion.

"Efforts were made while Brother Reynolds was in prison to secure his pardon, Elder Geo Q Cannon doing all in his power in that direction, but the President turned a deaf ear to all petitions. Among those who have interested themselves in this respect, it is but just to record the manly effort of the marshal. Col. Shaughnessy prepared a petition, setting forth the good character of the prisoner, and the material assistance his deportment and teachings among the prisoners had been to the officers in preserving order, etc. To this he secured the signature of Chief Justice Hunter, Associate Emerson and Attorney Van Zile declining, and forwarded it to Washington. Though nothing resulted from it, it is creditable to the officers who prepared it. But petitions are now not necessary; without executive clemency or special favors, Elder Reynolds has paid the penalty our country has imposed upon her children, who desire to serve God as well as the Constitution. He has proved himself a man of God; and though restricted in the exercise of citizenship, has manifested nobler qualifications for citizenship than those who have degraded themselves by persecuting him for conscience sake.

"On the 20th of January, 1881, Elder George Reynolds was released from imprisonment, in the Utah Penitentiary, having served the legal term to which he was sentenced. He emerges from the prison walls a living martyr to the cause of Zion, with a history hardly paralleled in the lives of the martyrs of olden or modern times. He was not only a prisoner for conscience sake, but a representative prisoner suffering for the conscientious faith of the whole people. He has stood the test that God suffered to be put upon him, and has been found true and faithful, having never murmured or complained, but patiently endured the unholy persecution, which he was willing to suffer for the sake of his brethren, his religion and his God. We welcome him home again and feel to praise him in the gates. All Israel honors him. He will be held in remembrance forever for his heroic integrity in suffering martyrdom for conscience sake, and his example will nerve the faith of thousands in the day of similar trial."

George Reynolds was born in the Parish of St. Marylebone, London, England, January 1st, 1842. His father was George Reynolds, of Totnes, Devonshire; his mother (*nee*) Julia Ann Tautz. He first heard Mormonism when nine and a half years old, and then desired baptism, but owing to the opposition of his parents it was deferred until he was fourteen. The date of baptism is May 4th, 1856.

In December, 1856, he was ordained a deacon, and in the May following, a priest; and sent out to preach in the streets of London, being then only fifteen. When nineteen (May, 1861) he was called to succeed E. W. Tullidge in the charge of the branches in the western portion of the metropolis—comprising between eight and nine hundred members. He was called to act as emigration clerk in the Liverpool office by President George Q. Cannon, in February, 1863, and the next year became chief clerk. During the greater portion of the time he was in Liverpool he acted as president of the Church in that town. He emigrated on Cunard steamship *Persia*, June, 1865, and crossed the Plains with Messrs. W. S. Godbe and W. H. Shearman as far as Denver, by stage, whence the mail company, on account of the Sioux Indian war, would take them no further. At Denver Mr. Godbe purchased a wagon and team, and the three travelers came on alone to Salt Lake City, making the journey from Denver in ten days.

Elder Reynolds went on a mission to Great Britain in May, 1871, where he labored in the Liverpool office as assistant editor of the *Millennial Star* to Elder Albert Carrington. In the following September, when President Carrington was telegraphed to return to Utah he was left in charge of the spiritual concerns of the European Mission, being virtually its president until the return of President Carrington in the following May. During this mission Elder Reynolds had a severe attack of smallpox which left him in such a poor condition of health that on Carrington's return in Liverpool he was released to return home, where he arrived July, 1872.

He became secretary to President Brigham Young in 1868, and was again his secretary at the time of the President's death in 1877. He continued to act in the same capacity for the Twelve Apostles, and since his return from prison has acted as one of President John Taylor's secretaries.

George Reynolds was married July 22d, 1865, to Miss Mary Ann Tuddenham and on the 3d of August, 1874, to Miss Amelia Jane Schofield. He has occupied numerous positions: Regent of University of Deseret; City Councilor; director Z. C. M. I., Zion's Saving Bank, Deseret Telegraph Company, treasurer of Deseret Sunday School Union and the chairman of its publication committee. He has written largely for the church publications, and is also the author of several small works: "The Myth of the Manuscript Found," "Are We of Israel?" "The Book of Abraham," etc. He acted for a considerable time as local editor of the *Deseret News*, and in 1872-3 was treasurer, manager, and lastly lessee (in connection with W. T. Harris) of the Salt Lake Theatre.

In the history of his church, undoubtedly George Reynolds is destined to rank as one of its representative Elders. His nature is highly spiritual and fervent and the organic quality of his mind is of the intellectual type. He is one of the most apostolic characters that the British mission has produced.

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## GEORGE ROMNEY.

George Romney is a man of rather large frame. His height is 5 feet, 9½ inches. His hair, well sprinkled with grey, was originally auburn. His face is large, and the features strongly marked, giving, in connection with its normal expression, an appearance of distinct individualism. His complexion tends to sallowness, and the eyes are a clear blue. While he is neighborly and genial, his countenance, while at rest, wears that thoughtful and almost sombre aspect that denotes the man impressed with an idea that life was not intended to be spent in frivolity, but its battles must be seriously met and resolutely handled. He is much more than ordinarily conscientious. While he is not specially reserved in expressing his repugnance to the wrong doings of men, yet were he in a position requiring him to pass judgment upon transgressors, it would, on account of his large sympathy, be a duty from which he would naturally shrink.

He is the son of Miles Romney and Elizabeth Gaskell, and was born at Dalton, Lancashire, England, August 14, 1831. When he was two years old the family removed to Preston, and shortly afterwards to Penworthen, about two miles from that town. His father was among the first to embrace the gospel in Great Britain in the last dispensation, having identified himself with the Church in 1837, under the administration of Heber C. Kimball and Orson Hyde, about a month after those two elders landed in that country. The two missionaries were in the habit of holding prayer meeting every Sunday morning at the Romney residence, and going from thence to the meeting at Preston, generally taking George with them, and returning regularly in the evening. This was done so long as they remained in that section. George was baptized in the river Ribble as soon as he reached the age of eight years.

On the 28th of February, 1841, the entire family left Liverpool in the ship *Sheffield*, with a company of Saints, and arrived at New Orleans after a voyage of seven weeks, that being the first instalment of Church emigrants that traveled *via* that port. From thence they were conveyed by steamer up the Mississippi, Nauvoo being their destination. When proceeding up the river the elder Romney was taken dangerously ill and his condition became so precarious that his life was despaired of. On arriving at Nauvoo, Mrs. Romney, George's mother, went ashore and purchased a small log room, giving in payment for it a Paisley shawl. To this humble shelter her husband, being too

feeble to walk, was carried in a blanket. He soon afterwards revived, however, and went to work on the Temple. While thus engaged, he carved one of the twelve oxen upon which the baptismal font rested. During the same season of the arrival of the Romneys there was great sickness in Nauvoo. It took the form generally of fever and ague, which carried off about one-third of the company with which the family had traveled. The people also suffered greatly from poverty, food and clothing not only being scarce, but it was very difficult even to procure lights. This was exceedingly distressing in case of sickness, there being, in many instances no taper to give a cheering ray while the anxious watchers sat by the bedsides of the afflicted and dying. This was the case with one of George's sisters, who, after a severe illness, finally expired, and as she died in the night, the sorrowing family, being without a light, were unable to note the moment when the spirit left the body and was wafted to a brighter world. George worked on the Temple with his father, and there learned his trade of carpenter. That building was erected under great hardships, but Romney and son remained at work upon it until it was completed, and in it the elder Romney received his annointings. The family also shared the persecutions that were directed against the Saints. In 1846 all of the Romneys except George went to Burlington, Iowa, on a steamboat, for the purpose of going to work and accumulating enough means with which to purchase an outfit to enable them to move westward with the main body of the Church, driven from Nauvoo by mobocrats. George started for the same destination overland, accompanied by another boy named Robinson and a man named Ralph. They took with them a number of cows and horses. On the first night out, at a point about twelve miles distant from Nauvoo, the trio reached a deserted log cabin, which showed numerous indications of having been but recently occupied, the late tenants having left behind them a cat, a number of chickens, etc. They afterwards learned that the family who had fled were "Mormons," and had made their escape on account of mobocratic persecutions and their lives having been threatened. The three travelers took up their quarters in this cabin for the night, but soon repented having done so. Near midnight they were awakened by a violent knocking at the door, and loud demands for admittance. A dog on the inside kept up an incessant barking, the terrified trio trying to induce it to be silent by calling "whish." The mob on the outside became more and more furious, and fired a shot through the door, at the same time threatening that if those within did not come out they would batter it down, enter the cabin and kill them. Still the scared inmates refused to speak. The mob procured a log and used it upon the door as a battering-ram. Seeing that their case was becoming more and more desperate, Ralph, Romney and Harrison concluded to go out and did so. When they emerged from the doorway they were confronted by a howling mob armed with swords, guns and pistols. They were told that the mob understood them to be "Mormons" and it was the intention to kill them.

Ralph, being the only grown man among the three, acted as spokesman for the other two. He told the mobocrats they were laboring under a mistake; that they were travelers and had come from La Harpe, giving an alleged name of a street of that town where he said they had resided. He finally made the mob believe that they had committed an error, and they left without further molestation.

At Burlington, during the winter of 1846-7, the elder Romney, not being able to procure work at his own trade, got employment, at a mere pittance, cutting ice; while George engaged himself to a farmer as a sort of boy-of-all-work, feeding about a hundred pigs being one of his duties.

In the following spring the head of the family was awarded a contract to build a church, and George worked with him. In the fall the two went to St. Louis and obtained employment, the rest of the family following soon afterwards, all remaining there for some time.

On the fifteenth of March, 1850, George married Jane Jamieson. The entire family then proceeded to Alton, Illinois, where they purchased two ox teams, with which they started westward. They met with considerable misfortune on the way. Corn, which was selling at ten cents a bushel when they bought their outfit, immediately raised to a dollar and a quarter. The result was that their purchasing power was soon exhausted, and so were the oxen, most of them dying before they reached Council Bluffs. At that point, however, they were furnished with fresh animals by Bishop Hunter. They started with the first Perpetual Emigration Fund company from Bethlehem—now Council Bluffs—and camped twelve miles west from that point. On the 5th of July the real start for Salt Lake Valley was made, and the company reached this city on the 11th of October, 1850.

George camped near the spot where the Temple now stands, a wagon box being the habitation of himself and wife, and in it their first child, a daughter, was born, on the fifteenth of December. The weather was at the time cold and stormy, the ground being covered with snow.

The subject of this sketch labored on the Temple Block till the spring of 1852, when he responded to a call for carpenters to proceed to Fillmore to build a State house. He worked there

till fall and then returned to this city. He resumed upon the public works and continued thus engaged till the spring of 1855. In the latter year he formed a co-partnership with Michael Katz and George Price, and this firm erected the County Court House, the residences of Judge Elias Smith, A. W. Babbit, and other buildings. The following year he returned to the public works. In the fore part of 1856, his father, Elder Miles Romney, was sent on a mission, and having been foreman of the carpenters on the Temple Block, he was succeeded in that position by James Stevens. The latter held the post about six months, when it was offered to George, who accepted it. He remained in that situation until 1864, when the shops were temporarily closed.

Going back some years in order to enumerate other incidents in George's career, it is necessary to say that, in 1857, when the Territorial Militia was thoroughly organized, he was appointed captain of the First Company of the Third Regiment of Infantry, of Major Blair's battalion. He went to Echo Canyon the following winter, in charge of a company of men, and remained there two months, until called in by President Young, in order to build a number of granaries in the rear of the Tithing Office.

In the spring of 1858, the move south was inaugurated. George's family joined in the general exodus, but he remained constructing storing facilities for flour and grain. When the family reached Lehi his son Heber J. was born in a wagon box. Some time afterward George went to Provo. After completing some building operations at that place he returned to this city. He had been, for a considerable time previous to this, identified with the Twenty-ninth Quorum of Seventies, of which he was made one of the presidents.

In 1864 he formed a co-partnership with William H. Folsom, the firm erecting a large number of the principal buildings of the city, among them being the City Hall, Ransohoff's, Woodmansee's and other buildings. In the fall of 1868 he identified himself in the business of steam wood-working, lumber dealing, contracting, building, etc., with Latimer & Taylor.

In 1869 he went to England on a mission, and labored for one year as president of the Liverpool conference, and the remainder of his stay abroad as president of the London conference, being absent about eighteen months. He came home in 1870.

Among the first of his achievements in connection with the firm of which he was a member, was the erection of the Deseret Bank block, probably the finest structure in the city of its class at this date. The firm has undergone quite a number of changes, being, as now constituted, Taylor, Romney & Armstrong.

In February, 1882, Brother Romney was elected a member of the city council of Salt Lake City, and served in that capacity two years. He has also been for some years one of the directors of Z. C. M. I., and has served the people of the Twentieth Ward, of which he is an old resident, in various capacities.

Proceedings having been entered against him for unlawful cohabitation under the Edmunds Act, he was indicted and, on October 10th, 1885, he withdrew a plea of not guilty formerly entered, and pleaded guilty to the charge. On the same day he was sentenced to suffer the extreme penalty of the law, imprisonment in the Utah penitentiary for six months and to pay a fine of three hundred dollars and costs. He entered the prison the same day, satisfied the judgment, and emerged from confinement on the 13th of March, 1886.

## HENRY DINWOODEY.

Our respected and enterprising citizen, Henry Dinwoodey was born at Latchford, Cheshire, near Warrington, a town 18 miles from Liverpool, on the 11th of September, 1825. His father's name was James Dinwoodey; his mother's maiden name Elizabeth Mills, she was from Somersetshire. The Dinwoodeys were from Scotland, from which country they went to the Isle of Man.

This subject of this sketch was apprenticed to the trade of a carpenter and builder; and, after he was out of his time, he went to cabinet making. Henry Dinwoodey was married to Ellen Gore, February 8th, 1846. She was a native of Warrington and was the daughter of John and Alice Gore. He was baptized into the Church of Jesus Christ of Latter-day Saints, on the 24th of January, 1847. She also came into the Church about the same time, both belonging to the Warrington branch of the Liverpool Conference. They sailed from Liverpool September 5th, 1849, on board the ship *Berlin*. During the voyage cholera broke out and forty-three of the passengers were buried in the sea. They arrived at New Orleans, October 20th, and remained there during the winter and in the spring of 1850 went to St. Louis. There Mr. Dinwoodey tarried till the year 1855, having gone into business as a pattern maker for machinery. He with his wife emigrated to Salt Lake City, arriving September, 1855. He came in one of the independent companies, commanded by Captain John Hindley. His business career in Utah has already been sketched among our chief industrial men in Chapter LXXIX.

Mr. Dinwoodey is one of the wealthiest and most substantial busness men of Salt Lake City, and but few have done so much as he in building up the industries of the city and contributing to its material growth. This very fact (seeing that his property has been acquired in developing the industries of the country and the employment of labor) shows how ill the city could spare such men as he, and how much this judicial crusade, which has thrown a George Romney and a Henry Dinwoodey into the penitentiary, interrupts the business of the city, and strikes at some of our chief labor-employing industries and home enterprises. In their incarceration the community at large has suffered.

Mr. Henry Dinwoodey was indicted for unlawful cohabitation, or, in the language of the court, for "holding out" his wives, and sent to the penitentiary for six months and sentenced to pay a fine of three hundred dollars and costs.

During the incarceration of Mr. Dinwoodey his first wife (the Ellen Gore already named) died. A few days before her death he was permitted to leave the penitentiary and come to his home for a few hours, to visit her sick bed. The next time he saw her was just before her corpse was taken to the Seventh Ward meeting-house, preparatory to burial. Her bereaved husband was allowed to attend the funeral service, but was not permitted to follow the remains, to their last resting place.

Of the public services of Mr. Henry Dinwoodey to Salt Lake City, it must be noticed in closing this sketch that he served our City seven years. He was first returned in February, 1876, as alderman of the Second Municipal Ward. In 1878 he was again returned as alderman, also in 1880 and in 1882. At these elections he carried the largest vote, many of the Gentiles supporting him. He was popular with both parties, relying on his business sagacity and official integrity. He went out of office February 16th, 1884, having served during the entire terms of Mayor Feramorz Little and Mayor William Jennings.

In the Territorial militia he held the position of major's adjutant, ranking as captain, and for several years was the assistant chief engineer of the fire brigade, preferring that position to being its chief on account of his defective hearing.

Alderman Dinwoodey was usually appointed by the council upon the most important committees, in matters where business experience and financial prudence and knowledge were particularly required. He was retired from office by the Edmund's bill; nevertheless, in the history of our municipal government, the name of Henry Dinwoodey will stand as one of the most efficient, trustworthy and popular in the list of the aldermen of Salt Lake City. He is decidedly to-day one of the most influential and representative of the citizens of Utah Territory.

## ELIAS MORRIS.

Elias Morris, the Salt Lake mason and builder, was born at Llanfair, Talhairn, Denbigshire, North Wales, June 30th, 1825. He was the son of John Morris and Barbara Thomas, both of the same village. His father was a builder and contractor; he was for many years engaged in building bridges and prisons for the counties of North Wales. Elias served his time under his father, and, then, at the age of nineteen, he went over to England to get more experience in the bricklaying line and furnace building.

The parents were Calvanistic Baptists, but the Congregation church, to which they belonged, minister and all went over to the Campbellite church, to which Sidney Rigdon, Parley P. Pratt, and numerous others of the earliest disciples of the Mormon Church in America, originally belonged.

On the 17th of March, 1849, Elias Morris joined the Mormon Church. He was the first man baptized in the town of Abergele, in his native county, by John Parry, who years afterwards had charge of building the Logan Temple. The same summer his father, mother, his brother Hugh and sister Barbara, also joined the Church; and in less than a year he, in connection with others, raised up a branch of about sixty members, among whom was his brother, R. V. Morris, the late bishop of the Nineteenth Ward. The following spring he went to Manchester to visit his brother Price, and to Liverpool to visit his brothers William V. and John, all three of whom were baptized.

In the year 1850, he was called to travel through the Flintshire Conference as a traveling elder. He was also appointed first counselor to William Parry, president of that conference. There he labored till the fall of 1851, when Apostle John Taylor visited that conference, having in view the organization of the sugar company to send to Utah. Elias Morris was called as one of its mechanics, and at this conference, held at Holywell, September 28th, 1851, he was released to emigrate with the sugar company in the spring.

Meantime he returned to his trade to provide an outfit; and, while thus engaged as a mason, on a three story building at Abergele, November 20th, 1851, pointing the front of a building, on a hanging scaffold, on the third story window, the scaffold gave way and he fell down into the street, alighting on his thigh; with presence of mind as he touched the ground, he put his hand on a course of rock, under the large shop window, and leaped inside of the building, barely escaping death from the scaffold, which was falling after him. Strange to say, he was uninjured by the fall; and, after he got over the fright, he assisted in putting up a new scaffold.

In the spring of 1852, Mr. Morris met the sugar company at Liverpool, and was put in charge of it. There were among them experts in the manufacturing of sugar, several of whom were selected in Liverpool. In this company there were L. John Nuttall and his two brothers and father and mother, who were kinsfolk of President John Taylor.

While waiting at Liverpool for the sugar machinery, Mr. Morris sent on his betrothed wife, Mary Parry of New Market, on board the ship *Ellen Maria*. On the 28th of March his own company sailed from Liverpool, on board the ship *Rockaway;* and, after a tedious voyage of eight weeks, they arrived at New Orleans, where President Taylor met the company. Having discharged the machinery at Leavenworth, the President requested Mr. Morris to accompany him to Council Bluffs, to fetch the wagons down. At Council Bluffs he met his betrothed, and they were married there, by Apostle Orson Hyde, at the house of the bride's uncle, Joseph Parry, May 23d, 1852. In due time the sugar company proceeded on their journey, and reached Salt Lake City in the latter part of November. Mr. Morris immediately proceeded to Provo, and there the company turned over the sugar machinery to the Church, the enterprise having resulted in a failure. He remained at Provo during the winter; and, in the spring of 1853, he walked to Salt Lake City to attend the April conference, to see the laying of the foundation stone of the Salt Lake Temple. While at this conference he was requested by the authorities to go to Cedar City, Iron County, to take charge of the masonry on the iron works and blast furnaces. There he labored for seven years, off and on, till the failure of those works, when he returned to Salt Lake City in the spring of 1860.

After his return from the South, Mr. Morris went to work on the Temple Block. He took a contract with Henry Eccles to cut the flagging of the foundation of the Temple.

In the year 1864, on the 7th of February, Elias Morris and his men commenced work on the Eagle Emporium; in June he commenced Wm. S. Godbe's Exchange Buildings, and in July Ransohoff's store, south of Jennings'. It was at this date that Main Street began to assume fully the imposing appearance of a merchant street. On these buildings Mr. Morris paid to his masons from five to seven dollars per day; but, at that time, flour was selling in Salt Lake City at from $25.00 to $30.00 per hundred.

At the April conference, 1865, Elias Morris was called to take a mission to Wales. There he stayed four years and one month, during which time he was a conference president and the last year was president of the Welsh mission. He again left his native land in May, 1869, in charge of a company of Saints (365 souls) who were mostly helped by the Church and their friends in Utah. This was the first company that came through after the completion of the railroad in the year 1869.

After his return from this mission, Elias Morris, in the spring of 1870, entered into partnership with Samuel L. Evans. This partnership, which existed for eleven years, was of a very peculiar and unique kind. They entered into an agreement that all their earnings should be left in their business, each family being allowed to draw out what they severally needed. Donations, etc., were paid in like manner by the firm, neither of the partners questioning the doings of the other. Thus they went on for eleven years, in the conduct of their business, in their private buildings and improvements for their families; in the supplies and money for their families; in pocket money for themselves; in donations, taxes, etc., indeed, in every other private or public draw on their united finances. This they did to the last, when death ended their partnership, without disagreement or a question ever being raised as to which family had received the least or the most. In this respect they never even so much as investigated their accounts. Their method from first to last was upon the pure United Order principle—each partner simply drawing or building according to his personal or family needs. Samuel L. Evans was the bookkeeper and cashier of the firm; and Elias Morris the superintendent of the practical work and of their men employed. Mr. Evans died March, 1881. Administrators were appointed to appraise the property belonging to the firm, which paid all the debts of the deceased. Mr. Morris offered to buy or sell the half of the business and property, and the family of the deceased partner very properly sold out, Mr. Morris purchasing for $10,000 in money and property, Evans' family being allowed their choice of property. Of the history of their business it may be thus summarised: Morris & Evans opened up the first marble monumental yard in Salt Lake. Soon after this the mining operations opened throughout the Territory and from Mr. Morris' past experience in furnace building their firm obtained the run of the business in building nearly all the furnaces throughout Utah and the adjacent Territories. At about this time they bought a fire clay mine in Bingham, and commenced the manufacture of fire brick of every kind, and supplied Nevada, Montana, Idaho, Wyoming and Utah, giving great satisfaction. Morris still manufactures this brick. The firm took a contract for the Ontario Mill, and Mr. Morris has done all the mason work of that company, including the Cornish pump in No. 3 shaft, which is considered by experts to be equal to anything in the Comstock mine, Nevada. He built two Stetefeldt furnaces at the Ontario, another for the Marsac on an improved plan, and another for the Bullionville Smelting Company; also two of the same kind at Butte, Montana, and the two White & Howell at the Alice mill, and one at the Moulton mill. His work in No. 3 shaft of the Ontario, in putting in the Cornish pump, attracted the attention of every visitor to that wonderful mine. The Salt Lake *Herald*, at the time, thus described the work:

"In order to reach a firm bed it was necessary to dig a pit fifty-two feet deep, when solid rock was encountered, and from this they are building a piece of masonry that will stand till the end of the world, defying earthquakes and grimly smiling at mundane convulsions. The average depth of the foundation is forty-five feet, and the width twenty-one feet, and when finished it will contain 6,000 tons of rock, firmly united by 600 bushels of Portland cement. Not only this but it is tied together by numerous iron anchor bolts, three inches in diameter, and 36.5 feet long. The coping is of cut Cottonwood granite, transported by rail, the massive blocks being from five to seven feet long, two to three feet wide and two feet thick. Other large blocks of rock have been brought from the sandstone quarries at Croydon, in Weber Canyon, while the bulk of the stone came from a quarry below Park City. That the foundation will be firm it is only necessary to remark that it is being laid by Mr. Elias Morris, who has been the Ontario mason from the beginning, and who does nothing by proxy. For two months Mr. Morris and his gang of masons have been at work on the foundation which will be ready for the machinery in about five weeks. This piece of masonry is simply for the bed of the pumping engine to be used for hoisting water. Much of the engine is

already on the ground, and the balance is lying at the railroad depot in Park City. The engine was manufactured by I. P. Morris, Philadelphia, is of 2,500 horse-power, and, it is estimated, will hoist 2,000 gallons of water per minute from a depth of 1,800 feet. There is no larger pump engine in any mine on the Pacific Coast. The other masonry and machinery at No. 3 shaft correspond in size, capacity and ability to the above, and the whole will make not only the most complete but the largest work of the kind in the United States."

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## RICHARD B. MARGETTS.

A sketch of the life of the late Richard B. Margetts, as related to the early industries of our city and Territory, was given in Chapter LXXX, but further notes may be made of the later efforts of his busy life.

In 1871 Mr. Margetts gradually worked out of the tanning business and established a brewery on the premises formerly occupied by his tannery. For the next three years his means and attention were divided between brewing and mining. After spending several thousands of dollars in trying to develop silver mines, he gave that up; but being satisfied that coal and iron would yet be the foundation of lasting wealth for Utah, he thenceforth devoted his efforts and means in the development of those interests. At the time of the disorganization of the Salt Lake Foundry Company, through a law suit between Thomas Pierpont and his partners, Mr. Richard B. Margetts, Philip Pugsley and others came to the help and the company was re organized under the name of the Salt Lake Foundry and Machine Company. Richard B. Margetts was president; Elias Morris, vice-president; P. Pugsley, secretary and treasurer; directors, William White, William Howard, Thomas Pierpont, and G. F. Culmer, Pierpont superintendent of the works.

Richard B. Margetts and Philip Pugsley also purchased coal lands of the Government in Pleasant Valley and patented it. At the onset there were associated with them W. S. Godbe and others, who, however, went out of the concern, leaving the coal claims in Pleasant Valley to Margetts and Pugsley. Under Pugsley's direction the first coke ovens were built and started up. The Coke was brought to the city and sold to the smelters. Margetts and Pugsley next agitated the question of the iron and coal enterprises in the Salt Lake *Herald*. Their project was digested by both but the communications were in the name of Richard B. Margetts. A few extracts will illustrate their projects. He wrote:

"It is a very remarkable thing that there is scarcely one industry in this Territory that is worked upon the natural productions of the country. True, we have our foundries and machine shops, our blacksmiths and wagon makers, and various other industries in our midst, but the material they work on is mostly imported.

"To come to the point: The first question to be asked in this case is, what stands in the way and where is the hindrance to the development of our home industries? The answer flashes back like lightning—the lack of cheap fuel! We have abundance of the raw material. We have at hand very large deposits, I might say mountains, of rich iron ore carrying from 40 to 65 per cent. of metallic iron; we have very large deposits of good coal, suitable for all purposes, right in this Territory, and much better than that imported; we have a railroad running directly to the coal beds; this coal can be put on the cars at say 75c. or $1 per ton; the cars will run at least fifty miles of the distance without a puff of steam, and yet we lack cheap fuel. The question arises, why is this? The answer is very plain, and will be understood by all—the railroad companies own coal land; other parties own coal land also, containing as good coal as that owned by the railroad companies, and in some cases easier of access, but the railroad companies are not common carriers and will not transport coal over their roads for other parties, hence all competition is shut off. The only alternative is to pay the price demanded, or go without and "grin and bear it." I do not hesitate to say if we could get a good quality of coal put down in this city, or the nearest point to iron ore, at a

reasonable price, iron smelting would be commenced, and when started on a proper basis who can form any idea how it would extend? and then would start up many other industries equally dependent for success on cheap fuel.

The only way to accomplish this is to build a railroad of our own from this city to the coal fields of Pleasant Valley. Experience has taught us that no private enterprise of this kind can be long held in the interests of the people, and it appears to me the only way to obtain relief from the burdens we are now oppressed with, is for Salt Lake City to obtain a special grant from the Legislature to build a railroad and issue bonds for the construction of the same; then run the road for all parties, not so much for large profits, but for the benefit of the people; it would require very little, if any, extra taxation to pay the interest on the bonds. If any were necessary it would only be during the construction of the road, and who would not gladly respond to a demand of that kind, when the benefits to be derived therefrom are understood?"

The partners, however, were not able to accomplish this public enterprise, and Richard B. Margetts dying during their efforts, the Pleasant Valley coal claims were sold by Pugsley to the Utah Central directors for $33,900, in behalf of himself and the heirs of his late partner.

Mr. Margetts also contemplated establishing chemical works on an extensive scale, superseding his brewery, but death also interrupted this and other laudable designs which occupied his active industrial mind to the end of his mortal career.

Mr. Richard B. Margetts died at his residence in the Nineteenth Ward, March 1st, 1881. He was born at Woodstock, Oxfordshire, England, on the 1st of February, 1823. His disease was a fibrous tumor in his stomach, which made its appearance a long time previous to his demise but was not at all painful till within about four or five months of his death. He was buried on the 3d of March, Bishop R. V. Morris of the Nineteenth Ward, directing the services, which were attended by a very large company of the relatives and friends. Professor E. Beesley of the Tabernacle choir, on this occasion led the Nineteenth Ward choir; Elder George Romney offered prayer; President Angus M. Cannon and Bishops Morris, R. T. Burton, and George Dunford delivered the funeral addresses, and Bishop L. W. Hardy pronounced the benediction. One of the most extensive corteges ever seen in this city followed the remains to the last resting place in the cemetery, where President H. S. Eldredge offered the dedicatory prayer. Gentiles and Mormons alike were present, and thus was the memory of the life and works of the late Richard B. Margetts honored by all classes of our citizens.

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## PHILIP PUGSLEY.

The early portion of the life and activities of Mr. Philip Pugsley, down to the date of 1865, has already been sketched in chapter LXXX on our home industries, from which date the following is the supplement:

In 1865 Philip Pugsley was sent to the Sandwich Islands, by President Young, to investigate the propriety of starting a tannery there, to be worked by the native Mormons, but he found it not practicable or promising and so reported. He traveled over the Islands, visited Kalakaua Bay, saw the spot where Captain Cook was massacred and wrote his name on the stump of the cocoanut tree —covered with copper by a sailor—on which visitors write their names in honor of the great voyager who "sailed round the world three times" and then was massacred by the natives of the Sandwich Islands.

Pugsley returned from the Islands and arrived home in October, 1865, and again turned his attention to home manufacturing industries In 1867 Randall, Pugsley & Co. built a woolen factory, near the mouth of Ogden Canyon, of rock, at a cost of $60,000. They commenced the manufacture of linseys, jeans, cassimeres and all kinds of domestic goods. The water right was bought of Lorin Farr for $6,000; Lorin Farr and W. C. Neal were the Co.; Randall was the managing partner for awhile, but James Whitehead was the practical man in charge of the factory. Pugsley put into the concern $20,000; and with President Young, R. T. Burton and Abraham O.

Smoot he may be classed in the industrial list as one of the first importers of woolen machinery into our Territory. Randall continued with the firm about four years, after which the firm became Pugsley, Farr & Neal, by whom the concern is still owned.

Our enterprising citizen has also been largely identified with the Utah iron and coal interests. About eleven years ago he bought out the Salt Lake Foundry from the New York company and organized a new company, with George Atwood, William Howard, Philip Pugsley, George W. Thatcher, John W. Young, R. J. Golding, and Albert Dewey as the incorporation. William Howard was president; George Atwood, vice-president; Philip Pugsley, treasurer and secretary; William Silver, superintendent and manager.

Having this industry in view Pugsley went to Iron City, Iron County, and bought $76,000 worth of stock in the Great Western Iron Co. For the foundry he purchased the first iron made in the company's works—about 400 tons. This company tried to get the privilege of making the water pipes for the city but did not succeed, and finally failed for the want of public patronage necessary for so vast an undertaking.

As noted in the forgoing sketch of Mr. Margetts, Mr. Pugsley and others next reorganized the Salt Lake Foundry and Machine Company, and with Mr. R. B. Margetts he purchased coal lands of the government in Pleasant Valley. The account of their joint enterprises are recorded in the foregoing, including the sale of the Pleasant Valley coal claims to the Utah Central directors for $33,000 in behalf of himself and the heirs of his late partner.

There have been numerous other interests of the industrial and manufacturing class in which Mr. Pugsley has invested his money. After the move south he purchased the flouring mill in the Nineteenth Ward, originally known as Old Samuel Snyder's flour mill, which has been running ever since. About fifteen years ago he added a salt mill to it, which has ground in a year as high as 900,000 pounds of salt brought from the Great Salt Lake. It has ground nearly all the fine table salt used in the country. A few years ago he also helped to start a soap factory, of which Pugsley, Snell and R. T. Burton were the principals, Burton being president of the company and Pugsley's son superintendent of the soap works. In fine as recorded in the chapter on home industries, Philip Pugsley, since his arrival in Salt Lake City in 1853, has been one of the foremost men in developing those home industries; and therefore, he is entitled to be classed in our history as one of Salt Lake City's representative men.

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## JUDGE SMITH.

Elias Smith, the chief and best representative of the Mormon jurisprudence in the history of Utah, is the first cousin of the Prophet and founder of the Mormon Church. His father Asahel Smith, was one of seven brothers—namely: Jesse, Joseph, Asahel, Silas, John and Stephen. There were also four sisters—Priscilla, Mary, Susannah and Sarah. His grandfather's name was also Asahel. The Judge has some leaves of a geneological record in his grandfather's handwriting, quite a hundred years old, in which he traces the Smith line back in America to 1665, giving names, births, marriages, deaths, etc., so that the family which gave birth to the founder of the Mormon Church were among the founders of the American nation itself.

Grandfather Asahel Smith married Mary Duty, of Irish descent, daughter of Moses and Mary Duty of Essex County, Massachusetts. Father Asahel Smith married Betsy Schellenger, of Dutch descent. Her ancesters were among the first settlers of New Amsterdam—afterwards named New York. Grandfather Abraham Schellenger was born on Long Island.

Judge Elias Smith, of Utah, was born September 6th, 1804, in Royalton, Windsor County, Vermont, near Sharon, where his cousin, the Prophet was born. In 1809 his father emigrated to the town of Stockholm, St. Lawrence County, New York. There Elias was raised in the wilderness, with but few opportunities for schooling. Most of his knowledge was acquired by observation and "study without a master." In his youth he assisted his father in clearing the wilderness and making a farm. After he was twenty-one years of age he entered public life and held various offices of trust in the new town, Stockholm. He also taught school several terms.

The announcement of the mission of the Prophet and the rapid growth and strange career of

E. Smith

the "Church of Jesus Christ of Latter-day Saints" very naturally drew into the faith several of the Smith family. The famous apostle, George A. Smith, who was decidedly one of the very greatest men of the Mormon dispensation' was a missionary of the Church at the age of 16, but his elder cousin Elias was 31 years of age when he embraced the faith. His mind was well matured, for he had already been ten years in public life.

Soon after the Prophet had his remarkable visions which resulted in the raising up of the great Latter-day Church, he communicated with his uncles Asahel, Samuel, Silas and John, all of whom lived in the same neighborhood. After the organization of the Church Uncle Joseph Smith, first Patriarch of the Church, with his son Don Carlos, paid the families of his brothers a visit in August, 1830, and brought them the Book of Mormon. They all believed it pretty much but none of them were baptized till 1835, excepting Uncle John Smith, afterwards the Patriarch of the Church and father of the Apostle George A. Uncle John was baptized on the 9th of January, 1832, and started for Kirtland on the 1st of May, 1833.

In 1835, in the month of June, Hyrum Smith and David Whitmer came into the neighborhood, and the families of Asahel and Silas were baptized, most of them on the first day of July, but Elias was not baptized until August 27th, 1835, his cousin Hyrum administering; the next morning he was ordained an elder.

In the town and neighborhood of Stockholm they raised up a branch of the Church, and in May, 1836, the two families of the Smiths before named, with their converts, making quite a little company, started for Kirtland, Ohio. The company took steamer at Ogdensburg, St. Lawrence County, and sailed up the St. Lawrence River to Rochester, where a portion of the company disembarked, at the mouth of the Genesee River, on account of the boat being so loaded, one part of the company, including the brothers Asahel and Silas, continuing by land, while the other part under Elias, came from Buffalo by steamer, where he landed the company of Saints bound for Kirtland. With him was his grandmother, aged 93 years During the landing of the company, he sat her on the wharf to give her fresh air, but a shower coming on, he sought a public house near by for a room for her during the night, but was refused; whereupon he went to a hotel on the same block, and was cordially treated. While he was taking his grandmother to the hotel, Joseph, the Prophet, his brother Hyrum and T. G. Williams from Kirtland, came down to the wharf to meet them. They followed to the hotel, and Joseph and Hyrum went into the room to see their grandmother, but would not make themselves known that night. They left their grandmother there for the night in comfortable quarters, and with their cousin Elias returned to Kirtland, in the midst of the storm, arriving very late. Next morning they took carriage and drove down for their grandmother, while Elias hired teams and went down to the emigrants, whom he had sheltered for the night in a warehouse.

The meeting between the grandmother and her prophet descendant and his brother was most touching; Joseph blessed her and said she was the most honored woman on earth. She had desired to see all her children and grandchildren before she died, which, with one exception was providentially granted her, and she passed away contented. Mary Duty Smith arrived in Kirtland on the 17th of May, 1836, died on the 27th, aged 93, and was buried near the Kirtland Temple.

Elias Smith and his cousin Joseph had not seen each other since they played together when small boys until they met at the hotel at Fairport.

In 1837-8 Elias Smith taught school at Kirtland; but in the latter part of 1837 the great apostacy occurred at Kirtland, when several of the original Twelve and two of the witnesses of the Book of Mormon—Oliver Cowdery and David Whitmer—sought to divide the Church. The Prophet, his brother Hyrum, Sidney Rigdon, Brigham Young, and others of the leaders fled from Kirtland to save their lives, while a company of over six hundred of the faithful was organized to follow them to Far West. The company was under seven captains, namely: James Foster, Josiah Butterfield, Zera Pulsipher, Joseph Young, Henry Herriman, Elias Smith and B. S. Wilder. The company was principally organized and sustained by the Seventies, of whom Elias Smith was at this time secretary. They undertook the removal of this part of the Church from Kirtland to Missouri; and it was done greatly on the co-operative plan. Not having sufficient means to get through the company stopped on their way and took a big job on the Springfield and Drayton turnpike. They left Kirtland on the 5th or 6th of July and arrived at Far West on the 2d of October. From Far West they went to Adam-Ondi-Ahman, where they disbanded.

But scarcely had the company disbanded when the exterminating army of Governor Boggs, under Generals Lucas and Clark, marched upon Far West to drive the Mormons *en masse* out of Missouri. The brethren nobly took up arms to defend their people, as massacres and extermination

threatened the whole, from the Prophet leader down to their last born babe. Already, before the fall of Far West, had occurred the horrible massacre at Haun's Mill, where men, women and children were actually butchered by the mob. During the dreadful scenes of the extermination of the Saints many were wounded and murdered and several women were ravished to death. That the defenders would have fought heroically in defence of their people is certain, but they were betrayed by their own commander into the hands of General Lucas.

"I saw," says Brigham, 'Brother Joseph Smith, Sidney Rigdon, Parley P. Pratt, Lyman Wight and George W. Robinson delivered up by Colonel Hinkle to General Lucas, but expected that they would have returned to the city that evening or the next morning, according to agreement and the pledge of the sacred honor of the officers that they should be allowed to do so, but they did not so return. The next morning General Lucas demanded and took away the arms of the militia of Caldwell County, assuring them they should be protected; but as soon as they obtained possession of the arms, they commenced their ravages by plundering the citizens of their bedding, clothing, money, wearing apparel, and everything of value they could lay their hands upon, and also attempted to violate the chastity of the women in the presence of their husbands and friends. The soldiers shot down our oxen, cows, hogs and fowls at our own doors, taking part away and leaving the rest to rot in the street. They also turned their horses in our fields of corn."

At this time General Clark delivered his noted speech, in which he said: "You need not expect any mercy, but *extermination*, for I am determined that the Governor's orders shall be executed.

"As for your leaders, do not think, do not imagine for a moment, do not let it enter your minds that they will be delivered and restored to you again, for their fate is fixed, the die is cast, their doom is sealed.

"I would advise you to scatter abroad, and never again organize yourselves with bishops, priests, etc., lest you excite the jealousies of the people, and subject yourselves to the same calamities that have now come upon you."

Judge Elias Smith was present at the time when the speech was delivered, and when fifty-seven of their brethren were betrayed into the hands of the enemy as prisoners.

General Clark told the Mormons that they must not be seen as many as five together. "If you are," said he, "the citizens will be upon you and destroy you; but you should flee immediately out of the State. There is no alternative for you but to flee; you need not expect any redress; there is none for you"

Elias Smith was one of those defenders of Far West, who were forced to give up their arms, and one of the Committee chosen to effect the removal of the Saints from Missouri into Illinois. After the exterminating address to them of General Clark, a meeting was held at Far West, January 26th, 1839, to devise plans for the removal. The meeting was called to order by Don C. Smith; and on motion, John Smith was unanimously called to the chair, and Elias Smith appointed secretary. Several gentlemen addressed the meeting on the subject of the removal of the Saints from that State; and the following committee were appointed to formulate the initial plans, namely: John Taylor, Alanson Ripley, Brigham Young, Theodore Turley, Heber C. Kimball, John Smith and Don C. Smith. On the 29th of January, the brethren met according to adjournment, when John Smith was again called to the chair, and Elias Smith appointed secretary.

"On motion of President Brigham Young, it was resolved that we this day enter into a covenant to stand by and assist each other to the utmost of our abilities in removing from this State, and that we will never desert the poor who are worthy, till they shall be out of the reach of the exterminating order of General Clark, acting for and in the name of the State.

"After an expression of sentiments by several who addressed the meeting on the propriety of taking efficient means to remove the poor from the State, it was resolved that a committee of seven be appointed to superintend the business of our removal, and to provide for those who have not the means of moving, till the work shall be completed.

"The following were then appointed, viz: William Huntington, Chas. Bird, Alanson Ripley, Theodore Turley, Daniel Shearer, Shadrach Roundy and Jonathan H. Hale.

"*Resolved*, That the secretary draft an instrument expressive of the sense of the covenant entered into this day, by those present, and that those who are willing to subscribe to the covenant should do it, that their names might be known, which will enable the committee more judiciously to carry their business into effect. The instrument was accordingly drawn, and by vote of the meeting the secretary attached the names of those who were willing to subscribe to it.

"We, whose names are hereunder written, do each for ourselves individually hereby cove-

nant to stand by and assist each other to the utmost of our abilities in removing from this State in compliance with the authority of the State; and do hereby acknowledge ourselves firmly bound to the extent of all our available property, to be disposed of by a committee who shall be appointed for that purpose, for providing means for the removing of the poor and destitute who shall be considered worthy, from this country till there shall not be one left who desires to remove from the State; with this proviso, that no individual shall be deprived of the right of the disposal of his own property for the above purpose, or of having the control of it, or so much of it as shall be necessary for the removing of his own family, and to be entitled to the overplus, after the work is effected; and furthermore, said committee shall give receipts for all property, and an account of the expenditure of the same."

The committee who had been appointed for removing the poor from the State of Missouri, namely: William Huntington, Charles Bird, Alanson Ripley, Theodore Turley, Daniel Shearer, Shadrach Roundy and Jonathan H. Hale, met in the evening of that day at the house of Theodore Turley, and organized by appointing William Huntington chairman, Daniel Shearer treasurer, and Alanson Ripley clerk, and made some arrangements for carrying the business of removing the poor, into operation. President Brigham Young, got eighty subscribers to the covenant the first day, and three hundred the second day.

"Thursday, 31st. Mr. Turner's bill of the 16th instant, passed the Senate. I sent the poor brethren a hundred dollar bill, from jail to assist them in their distressed situation.

"Friday, February 1st. The committee met according to adjournment at the house of Theodore Turley; John Smith was present and acted as chairman, and Elias Smith as secretary. The meeting was called to order by the chairman.

"On motion, Resolved, that the covenant entered into at the last meeting be read by the secretary; which was done accordingly.

"The chairman then called for the expression of sentiments on the subjects of the covenant.

"Resolved, That the committee be increased to eleven.

"The following were then appointed: Elias Smith, Erastus Bingham, Stephen Markham, and James Newberry.

"Several of the committee addressed the meeting on the arduous task before them, and exhorted all to exert themselves to relieve and assist them in the discharge of the duties of their office, to the utmost of their abilities.

"Elders Taylor and Young, in the most forcible manner, addressed the assembly on the propriety of union in order to carry our resolutions into effect, and exhorted the brethren to use wisdom in the sale of their property.

"JOHN SMITH, *President.*
"ELIAS SMITH, *Secretary.*"

Elias Smith was one of the last that left Far West. Hastily gathering up the remnant whose lives were again threatened by the mob, he started with them from Far West on the 19th of April, 1839, but, meeting the Twelve on the way, he returned with them to fulfil a revelation concerning a conference to be held at Far West on the 26th of April, 1839, when the corner stone of the temple was to be laid and certain men to be ordained to the quorum of the Twelve. Notwithstanding the threatenings of the mob this imposing ceremony was performed, and Wilford Woodruff and George A. Smith ordained. After taking part in the solemn performance Elias Smith journeyed with the Twelve to Quincy, then went to Commerce (Nauvoo,) and returned to Quincy where a general conference of the Church was held after the escape of the Prophet from prison; and the committee settled up the affairs of the emigration of poor Saints from Missouri.

After the removal into Illinois, Judge Smith settled at Nashville, Lee County, four miles from Nauvoo. In the organization of the stake of Lee County, he was taken out of the seventies and made a high councillor, and subsequently was ordained the bishop of the stake, which position he held until the stake was broken up, when he went to Nauvoo.

At Nauvoo he was associated with the press as business manager of the *Times and Seasons* and the *Nauvoo Neighbor*. After the martyrdom of his cousins Joseph and Hyrum, he followed the leadership of Brigham Young, as did also the Apostle George A. Smith, with his father John, who was now the chief patriarch of the Church. Thus, notwithstanding that Emma, first wife of the Prophet, with her sons and "Mother Lucy" Smith, remained at Nauvoo with the relics of their martyred dead, the surviving leaders of the Smith family were with the Saints in their exodus, and are among the founders of Utah. The sons of Hyrum Smith also came with the people to build up with them the religious fabric which the blood of their father and uncle had sanctified.

With his family Elias Smith took up the pioneer journey from Nauvoo in May, 1846, intending to go with the body of the Church to the Rocky Mountains that year, but the call of the Mormon battalion soon afterwards hindering this he sojourned a while in Iowaville, Van Buren County, Iowa, where his mother died in October, 1846, and his father in July, 1848. In 1851 he emigrated to Utah, and soon after was elected, by the Legislature, probate judge of Salt Lake County, in which office he was continued up to 1882. His terms of office have ranged from four years to one. In 1852 he was also appointed one of a Code Commission of three, with Albert Carrington and William Snow, he being chairman. Their duty was to present to that legislature of pioneers, unskilled in legal science, those laws best adapted to the peculiar condition and character of the people; and whatever may be the criticism of the lawyers of to-day upon their work, undoubtedly these men acted with strict fidelity, and the most conscientious intention.

Judge Smith has eminently filled the most important judicial sphere in Utah, the probate courts being, until the McKean period, practically the Courts of Justice for the people. Indeed, he is known in all the acts of his life, and in his essential character and quality of mind, to be conscientious in the highest degree. It is not his nature to administer unrighteously; and in the peculiar case of Utah, with Gentile and Mormon in chronic conflict, that quality of mind and judgment has had ample opportunity to manifest itself. In this quality of justice his peer was Daniel Spencer, who occupied an office in the Church analogous to that of Chief Justice of the State, and to whose ecclesiastical court—the High Council—Gentiles have in the early days repeatedly taken their cases for arbitration in preference to "going to law" either in the federal or probate courts. Elias Smith and Daniel Spencer may therefore be offered to the Gentile reader as the proper types of the judges of the Mormon Israel.

Besides his judicial sphere, Judge Smith has filled other important callings. He was business manager of the *Deseret News*, under Dr. Richards, in the early rise of journalism and literature in the West, and was postmaster of Salt Lake City from July, 1854, until the army came in 1858. In 1856 he became editor of the *Deseret News*, retaining the position until September, 1863, when he was succeeded by Albert Carrington; since which time he has exclusiuely confined himself to his judicial duties. In 1862 he was a member of the Constitutional Convention, and one of the committee who drafted the Constitution for the State. His general history is the history of his people. While in his private capacity he is universally respected, in his public sphere he may also be said to be without an enemy, notwithstanding he has so long administered law and equity.

Judge Elias Smith was a bachelor until he was forty-one years of age. He married Lucy Brown, a native of England, at Nauvoo, August 6th, 1845. She was born at Biggleswade, in Bedfordshire, January 4th, 1820; came into the Church in 1842, and arrived in Nauvoo, May, 1843. She is the mother of Elias A. Smith, the present of judge Salt Lake County, and his father's successor to the office.

Our steel plate frontispiece is a most excellent type of an upright judge. It has been engraved from a portrait taken when he was at the age of 65—he is now over 80—and will show to the eye of next generation what kind of a man Judge Elias Smith was at his ripe maturity.

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## JUDGE Z. SNOW.

The following is condensed from an autobiographic sketch of Zerubbabel Snow, one of the first U. S. judges appointed for Utah, at the organization of the Territory. He says:

I was born March 29th, 1809, in the township of St. Johnsbury, County of Caledonia, State of Vermont. My parents were both born in New England, one in 1783, the other in 1787. I am their third son and fourth child. My parents were married when my father was nineteen and my mother fifteen years of age.

Shortly before their marriage my grandfather on my father's side died, leaving a small estate to his children, and as is not unusual in such cases my father, not having any experience in business,

soon lost his share and became poor. They then moved to and settled in a place then known as Chesterfield Corner, in St. Johnsbury. He settled on a farm and entered on the farming business.

The country was new and the land poor. For this reason it required of my parents a constant effort to live and support their growing family. Frugality, industry, integrity and temperance were the leading features of their characters.

Schools at that time were scarce in that vicinity. The only ones then known to me were what was known as common schools, in which were taught reading, spelling, writing, arithmetic, geography and grammar; no more. Our spelling book was Noah Webster's, who subsequently prepared and published Webster's Unabridged Dictionary; a book which I esteem more highly than *United States bonds, railroad stock or fine gold.*

These common schools were taught in the summer by a woman, in the winter by a man, each taught only a ten weeks' term. In these schools I obtained all the education I ever got till I was about twenty years old.

At the early age of eighteen I began to teach in these schools, and while living in that region I taught school in Vermont four and in Canada East, then called Lower Canada, two winters.

In the spring of 1832, Mr. Lyman E. Johnson and Mr. Orson Pratt, two elders of the Church of Jesus Christ of Latter-day Saints—Mormons so called—came into that section of country. From them I, for the first time, learned concerning the Prophet Joseph Smith and the Book of Mormon.

Here it seems proper for me to make a few remarks concerning my political and religious views.

In 1826, the cry known as the Morgan act rage of Masons was in full vogue; a book was published which contained what was alleged to be the secrets of Masonry. This book I obtained, and read. Several of my friends were Masons and I, through their influence, became what was called a Jack-Mason.

From this time till 1828, I looked a little into political matters and in that year I hurrahed for Jackson. From this time till 1832, I looked a little further into political matters, studied a little history and became what is known as a *States rights man.*

I sometimes read and often heard people talk about *the divine right of kings*, in which I learned that George the Third held to the *divine right of kings*, which was to govern civilly and religiously. That he demanded unconditional obedience from his subjects; that under no conceivable circumstance could a subject be justified in opposing, much less resisting the will of the king. I also occasionally heard the remark about kissing the Pope's great toe. That the Pope claimed the right to dethrone kings and grant dispensations to the king's subjects to fight and war, kill their king and such of his subjects as adhered to him unless the king recognized the absolute supremacy of the Pope.

I also often heard people speaking of the right of individual judgment on subjects of religion and civil law, and of opposing and resisting by force of arms these so-called divine rights and those who attempted to enforce them.

In the country where I resided there were persons who believed in the doctrine of universal salvation of men, others who believed that hell was lined with infants not a span long, others who believed in predestination and foreordination, others in free will.

There were churches known as Methodists, Presbyterians, Baptists and Congregationalists. In this state of civil and religious controversy I was raised from youth to manhood.

As before stated I, in the spring of the year 1832, for the first time learned concerning the Prophet Joseph and the Book of Mormon.

Here there was a branch of the Church built up, among whom was the Farr family, now living in Ogden, my brother William, who died some years ago, and myself.

In June of that year I was selected by this branch of the church to go to Ohio, which I did, arriving at Hiram, Portage County in that State, July 14th.

Here I became acquainted with the Smith family, among whom was Joseph, the Prophet; the Whitmer family, among whom was David; Oliver Cowdery, Martin Harris, Sidney Rigdon, Frederick G. Williams, and many others then in the Church.

Soon after my arrival, I was shown the vision of Joseph and Sidney, as we call it, then in manuscript, but now in print. Joseph explained to me quite minutely his visions of April, 1820, of September 21st and 22d, of 1823, including his seeing the plates, and of 1827, the time he took them, together with what the angels said to him. These being now matters of history I omit them.

From July 17th to August 22d of that year, I was with Joseph nearly every day. He was mainly engaged in translating the Old Testament, he having completed the translation of the New

before my arrival. I heard him translate nearly the whole of the book of Genesis. He showed me a vision given to Moses before he commenced the history of the creation and of the fall, which was revealed unto Joseph.

In one of the chapters near the close of the creation and of the fall were two verses included in parenthesis. These were not in Moses' writings, but in Joseph's. These stated in substance that God had shown to Joseph what he showed to Moses, and added, See thou show it to none except to him that believes. With these and a careful study of the Bible, King James' translation, and the Book of Mormon, my mind, as I then thought and still believe, was greatly enlightened.

For the purpose of explaining statements hereafter to be made, I here remark that a part of our religious doctrine is by us called the dispensation of the fulness of times and the gathering dispensation, meaning by these that we ought to gather together in suitable places and prepare for the second coming of our Savior, which gathering and coming have been more or less definitely spoken of by holy writers.

To accomplish this, Independence, Jackson County, Missouri, was selected as a central shore for this gathering. To this place many of our brethren had moved and settled. They had established a printing press there and issued a newspaper. I was a subscriber to that paper. In July, 1833, one of its issues contained two sections of the constitution of Missouri recognizing slavery and religious freedom in that State, and two sections of law in their statute prohibiting, under a penalty, free people of color from settling there. With this publication the editor remarked that he printed it so that free people of color might not go there to reside.

Now, behold! how great a fire a little spark kindleth! *This was the little spark.* Under the rules of the freedom of speech and of the press, the publication was perfectly innocent, still it kindled a flame that is not yet extinguished. In a short time after this, news reached us in Vermont that a mob arose there which drove our people from Jackson County to Clay County, in that State. This aroused our people in Kirtland and other eastern places; and they determined to go to Jackson County. A camp was organized and news sent east of its organization.

In the winter of 1833-4 I taught school in Vermont; during the winter I also converted what little property I had there into money, bought me a span of good horses and a good wagon, for those days, took my wife and one of her sisters and my brother Willard, and on the 10th of April, 1834, left that place to join this company. My brother-in-law, Jacob Gates, and my sister, his wife, went with us, he furnishing his own team. We, without accident, proceeded to Kirtland, a distance of more than seven hundred miles. The whole distance the roads were muddy and very poor. We arrived in May, a day or two after the camp started. I then in one day provided for my wife and her sister till I returned. With my brother Willard and my brother-in-law Jacob Gates and his wife, I then started for the camp, which we overtook on Saturday evening. Monday morning I was elected commissary, and, with my team, entered upon its duties. This brought me into a position which required acquaintance with the route and the inhabitants along the route. I had no difficulty with the inhabitants, nor any very great difficulty in procuring supplies. I found no profanity among the people on the route. In Missouri this was very great. The doings of this camp has become a matter of history with us, so I omit comments, except one or two incidents.

On arriving at Richmond, in Ray County, I went ahead with my team and teamster into Richmond. I called at a provision store to buy supplies; the owner of the store was there with some four or five others. I sought to buy from him, but he refused to sell to me, assigning as a reason that we were there on unlawful business. To this I called his attention to the proceedings in Jackson County, and to the fact that we were citizens of the United States, under the protection of the Constitution of the United States, and entitled to freedom of speech and of the press; and added that it seemed to me these all had been disregarded. A good looking man sat by and heard my remarks. He said, "Mr. Snow,"—how he learned my name was Snow I know not—"all our constitutions, all our States, all of the decisions of the Courts, are a mass of inert matter, only as the *minds of the people give them life and force.*" My request to purchase provisions was candid; the answer of the merchant to me was candid; my answer back was candid; the remark of the other man to me was candid—all was candid. No threat from any one. But that gentleman's remark to me made a deep impression on my mind. It has remained there from that day to this. I candidly left the store, and in less than twenty minutes made my purchases, and soon my loaded team was on its way to camp.

The other incident is some sixty or seventy members of our camp had the cholera, among whom was my brother Willard. On the cholera beginning, it came vividly into my mind my own condition and that of my dear wife in Kirtland, with the further thought, you have laid your life,

your fortune and your sacred all in the truth of your religion; you must not shrink now; tend to the sick. This injunction I obeyed. At this time all fear on my part was banished. I visited, in about fifteen days, some sixty or sixty-five persons who had the cholera, and with my own hands help to bury several.

During this time an interview was held with some of the most honorable men in Clay County, and the members of the camp concluded to return except a few who had their families with them. I determined to return: saw Joseph, the Prophet. Frederick G. Williams, the secretary, who kept the accounts with me as commissary, suggested a settlement of these accounts and received for an answer that my accounts were all settled. My company home consisted of about eight persons and two teams, my team being one of them. Mr. J. K. Noble, now of Davis County, Mr. Lyman E. Johnson and Mr. Luke Johnson were in the company. We left Clay County, Missouri, early in July, and arrived in Kirtland in August, my team still good.

When I arrived in Kirtland I found my wife and her sister and our friends generally very anxious, yet calm and candid. I also found a man who lived about eighty miles from Toronto, Canada West, who through the preaching of Amasa Lyman and myself in the spring of 1833, in New York, learned concerning the dispensation of the fulness of times. This man solicited me to me to go to Canada. I consented, and in less than ten days myself and wife were on Lake Erie *en route* for that place. I remained there till the latter part of March, 1835.

On this mission I was reasonably successful. On my leaving the Church there, each member shook hands with me and each one left in my hand a little money. We arrived at Kirtland about the middle of April. At this time we found the Twelve Apostles and the seven presidents of the seventies had been selected and confirmed in their appointments. Nearly all of whom were those who were in Zion's Camp. I was ordained in the first quorum of seventies; there was some accident in this as this quorum was selected from the elders; I had before been ordained to the high priesthood.

The same spring I again went east through Pennsylvania and New York into Canada West. I remained near Kingston, a few months then returned to Kirtland by way of Kingston, Toronto and the lakes, and arrived in the fall of 1835. Here I remained till the fall of 1836. I was at the dedication of the Kirtland Temple. During this year I taught school, a part of the time studied the Hebraic and Chaldean Languages. I also entered into business. In a little more than three months I learned the Hebrew and Chaldean languages so that I could translate either into English quite readily. Our Hebrew class was not large; among the members were Joseph, the Prophet, Oliver Cowdery and Horace Whitney.

Owing to an inflated currency and other causes, speculation had existed in the United States for several years. In 1836 this speculation reached us in Kirtland. Many members of the Church, myself among the number, partook of it. The Kirtland bank was started, but soon failed.

About this time I went south twenty-five miles as a clerk in a store owned by Lyman E. Johnson and John Boyington. Afterward I purchased their stock and entered business as a merchant. In the month of May, 1837, nearly every bank in the United States suspended specie payment. There was a large amount of counterfeit money in circulation, and the bills of many banks which had no existence. I was in debt. Here I learned to keep my own secrets as to money matters, but determined to pay my just debts if it took my clothing. It took me about two years and a half to collect the money due me and pay my debts, but I succeeded and paid every dollar I owed. During this time I studied law two years and taught school eleven months.

In October, 1839, I was admitted to the bar in the Supreme Court of Ohio. For reasons not fully understood by me, I then thought, and still think, God gave me favor in the eyes of the people there residing. Nearly every person with whom I had become acquainted in that part of the State treated me well, and this though they knew I was a Mormon. When I was admitted to the bar I intended, if our people found a resting place, to go to them and do as I had done before—risk my life, my fortune, and my sacred all with them.

Here I retrace my steps. In the spring of 1837 our people in Kirtland left *en masse* and went to Clay County, Missouri. At this place, by a mutual understanding between themselves and the people there they went and settled in Far West. On the 4th of July, 1838, they celebrated at Far West the Independence of the United States. Sidney Rigdon delivered an oration. In this oration remarks were made at which offense was taken by designing persons. These fanned the flame which the little spark had kindled. Every wind caused the flame to increase until our people were driven from Far West, Missouri, to Nauvoo, Illinois. They left in the fall of 1838, and settled in Nauvoo early in 1839. From this you will see that when I was admitted so the bar in Ohio there

was yet no resting place for our people. I, from 1839 till September, 1850, practiced in the courts of common pleas, as they were then called, in the counties of Portage, Summit, Stark, and other adjoining counties, and in the Supreme Court of the State. My practice was confined to civil business, equity cases, and cases in settling accounts of guardians and administrators of estates of deceased persons. For six years I was what was then called a commissioner in chancery. To this I was appointed by the court of chancery and acted under its direction analogous to our referees. During this practice I became acquainted with many of the judges of the Supreme Court, and with some of the members of Congress from that State.

In the spring of 1841, my wife, Susan S., was delivered of a daughter to whom she gave the name of Susan L. She is now the wife of Orson Pratt, jun., of this city. From this sickness my wife did not recover; she was buried on the 29th day of March 1841, my birthday. There was not a relative of hers or of mine within eight hundred miles of us. I was the only mourner to follow her to her grave. I had then my darling daughter to rear, a motherless child.

In a reasonable time after the death of my first wife I again married. Her name was Mary Augusta Hawkins; her parents' names were Jessie G. and Sally C. Hawkins. This wife has borne me four daughter, three of whom are now living, and four sons. The day this marriage was solemnized I was taken sick, which continued for about six weeks, at least three of which my recovery was deemed nearly hopeless. The kindness received by me from the inhabitants there residing during these several sicknesses knit my heart to them most tenderly. I never forgot it.

In the fall of 1850, the Organic act of Utah was passed by Congress, and I seeing this, applied for the judgeship here. In the application I stated to President Fillmore that I was a Mormon and for my legal attainments I referred him to our representative in Congress. Judge Carter was there so was the Hon. John M. Bernhisel and the Hon. A. W. Babbitt. I got the appointment under President Millard Fillmore. My commission is dated September 30th, 1850. This was sent me to Ohio late this fall; I could not come here till the next spring. I left there March 25th, 1851, and arrived in Utah July 19, being a little less than four months on the road. Of this time I was sixty-three days coming from Omaha to Salt Lake. There was here that season a celebration of the 24th of July, the Pioneer day. I attended it and took dinner with his Excellency Brigham Young at his residence.

I had not been long here before it became apparent to me that my feelings toward the people of the United States and the feelings of the people here were not quite harmonious. I had been at all times well treated by the people of the United States, and for that reason my feelings were very kind; my treatment from my brethren had also been good, and I was kindly disposed toward them. This brought me into an entire new field of action, that of reconciliation. Governor Young, pursuant to the authority conferred by the organic law, divided the Territory into judicial districts, and assigned the judges to their districts. An election was held and the members of the Legislative Assembly elected. Thus things seemingly were moving on quietly until about the beginning of September, when an eruption was made by Judge Brocchus in a meeting held in the Old Bowery. [See Chapter X.] This circumstance produced a break in the officers. Judges Brandebury and Brocchus and Secretary Harris determined to leave. Secretary Harris concluded to take with him the money appropriated by Congress to pay the expenses of the Legislative Assembly. I tried to make peace, but failed. Governor Young, by proclamation, convened the Legislative Assembly. I was sent for and administered to the members the oath of office. Soon thereafter a resolution was passed and approved authorizing certain persons to seize the money appropriated by Congress in the hands of Harris and retain it to pay the legislative expenses. This being done Harris filed a bill in chancery in the supreme court against these persons, praying for an injunction.

At this time no law had been passed defining the time and place of the sitting of the Supreme Court, but Judges Brandebury and Brocchus determined to hold a session of the Supreme Court, and I was sent for to attend, which I did. There was a difference of opinion in the members of the court. I held that this court could not thus be legally held; that the Supreme Court had not original jurisdiction in chancery, and that the bill ought to have been filed in the district court of the district in which Judge Brandebury was the judge. But I was overruled and the injunction granted. This ended that conflict. No further proceeding was had in the case. Harris left the Territory and took with him the money. The Legislative Assembly proceeded with their business.

On the 4th of October an act was passed by the Legislative Assembly and approved by the Governor, authorizing and directing me to hold district court in each of the three districts of the Territory. This caused me, at the appointed time, to examine each act of Governor Young to see

if his proceedings were all legal. I arrived at the conclusion that they were, and that my duty was to hold courts as required by this act. These proceedings, and my judgment thereon, were reported by Governor Young and myself to Daniel Webster, Secretary of State. Governor Young's proceedings and my proceedings were approved by the Department of State. The action of the two judges and the Secretary who left the Territory were disapproved.

The first session of the court under this act was held in Salt Lake City. [For a full account of the judicial history of the Territory under Judge Snow see chapters X. and XVI.] Two cases occurred in the courts, which in my judgment ought to be noticed. The first was the United States against Howard Egan. Egan was indicted for the murder of James Monroe in this Territory after the Organic law took effect and before any law had been passed authorizing the courts to punish for acts done or omitted. The alleged cause of the murder was an alleged adultery by Monroe with Egan's wife. There was no law of the United States applicable to the case.

In this case I held that no act done or omitted by a person could be punished by the courts except such act or omissions had first been prescribed by statute. In other words, there was no common law offenses in this Territory. Egan was acquitted.

The second was the case of a boy about thirteen years old who, after the act of this Territory on the subject of crimes took effect, killed another boy about his own age. He was indicted in my first court held in Iron County, in June, 1852. On his being arraigned I found there was not impartial jurors enough in that district to obtain an impartial jury to try him so I changed the place of trial from that district to this. On the trial there was no suitable person th attend to his defense; but still I appointed the best person I could get. A trial was held and the boy convicted.

I, after a minute examination of the indictment and the testimony given in the trial, called on Governor Young privately and informed him that in my judgment the indictment was insufficient in law to justify a sentence of death, and farther, that the boy was so young and the counsel indifferent, that every reasonable effort should be made in his behalf. In this conference it was agreed between us that I should sentence the boy to be put to death and set the time of execution off about six months. That he should be detained in confinement till a day or two before the time set for execution, when Governor Young was to grant him a pardon of his crime. This was done. I mention this in justice to myself, Governor Young and the people here, for the reason that when Johnston's army was sent here there was among other evil charges against Governor Young that he pardoned murderers. It is within my knowledge that this was the only case to which such a charge could apply. There was then no penitentiary or other prison in the Territory in which to confine him if a conditional pardon had been granted. What was done in this case was the only thing which could have been done except the execution of this boy. In September, 1854, my term of office expired, and Mr. George Stiles was appointed to fill my place.

Here we must end the autobiographic form of Judge Snow's sketch, and briefly summarise the subsequent periods of his life.

At the expiration of his judgeship he went into the mercantile business for about two years, when he was sent by the Church on a mission to Australia. He was gone two years and a half, and returned late in December, 1858. In January, 1859, he was elected probate judge of Cedar County which office he occupied for three years. In 1862 he was elected by the Legislative Assembly probate judge of Utah County, which position he filled for three years. In the spring of 1865 he was appointed prosecuting attorney of Salt Lake County by Judge Elias Smith; and in the August election of 1876 he was elected by the people to the same office, and was continued by by re-elections until the August election of 1874. He has also been attorney-general of the Territory. Having previously been assistant of Attorney-General Albert Carrington, in 1869 Judge Snow was elected attorney-general by the Legislature, and in 1874 he was re-elected to that office, which he occupied until the passage of the Poland Bill abolished the office. During the time between 1865 and 1876 he also acted as city attorney, by appointment of the city council.

While occupying the office of attorney to the city, a conflict grew up between the city and the liquor dealers. This was produced by the internal revenue act of Congress, under which liquor dealers were required to take out license, not as now, to pay a special tax. This act did not specially name Territories but did name States. The Liquor dealers took out license under the act of Congress, claiming that they had a right to deal in liquors in a Territory without complying with Territorial laws or city ordinances. The question was brought before Chief Justice Titus. Judge Snow argued and won the case: Titus decided for the city. This was one of the most important cases to the city on the liquor question. The famous Englebrecht case, in 1871, was another

of a similar kind. Judge Snow also managed that. It was sent to the Supreme Court of the United States, and the decision, which was given in April, 1872, broke down the indictments of about seventy cases of the McKean *regime*, including those of Brigham Young and Daniel H. Wells.

In 1869 the Legislature verbally requested Judge Snow to assist it in getting up a law authorizing private corporations to incorporate in certain cases; this he did, and at their next session he aided in getting up the civil practice act. In 1876 he aided in the revision of the criminal code and presented the present act of criminal procedure, which was passed in 1878. In the same session he aided in revising the law on the subject of wills and of succession; also the act of procedure in the probate courts; and during this time he aided in getting up the law of conveyancing of real estate. In fine it may be said that from the beginning, in the judicial procedure of the Territory, of the county and the city, Judge Z. Snow's legal work is everywhere to be found; and it is worthy of note that he is one of the original U. S. judges appointed at the organization of the Territory. His name, as connected with Utah, is decidedly historical.

## DANIEL SPENCER.

In the history of Salt Lake City no name better deserves honor and perpetuation than that of Daniel Spencer, an upright "Judge in Israel," and a man of exceeding purity of life. It was under his administration, as "president of the Stake," that Salt Lake City grew up previous to its incorporation under the Territorial government. The following is a brief sketch of himself and family.

Daniel Spencer, the son of Daniel Spencer and Chloe Wilson, was born at the town of West Stockbridge, Berkshire County, Massachusetts, July 20th, 1794. Orson Spencer,, a learned and distinguished Baptist mininister, afterwards an elder of the Church of Jesus Christ of Latter-day Saints, the first chancellor of the University of Deseret, and one of the early presidents of the British mission, was a brother of President Daniel Spencer.

The American branch of the Spencers came from a good English stock and was identified with the Puritan emigration to this country at an early period. The Hon. John C. Spencer, of New York, Secretary of the Treasury of the United States in 1843-4, was connected with the family of Daniel Spencer. Orson Spencer was on visiting terms with the Secretary, and during his presidency of the Church in Great Britain he assisted his distinguished relative in searching the Heraldry office to trace the family in their connections.

Tracing the immediate line of the Spencers, who have made a distinguished mark in the Church and among the Representative men of Utah, we find them in character noted for their love of independence and justice. The father of the subject of this memoir took up arms at the commencement of the Revolutionary war for the inalienable rights of man and the independence of the American nation. He volunteered at the age of sixteen and remained through the entire struggle; he was in General Washington's body guard and witnessed the surrender of Lord Cornwallis at Yorktown.

There were of the branch of the family of this veteran of the Revolution, whose name was also Daniel, seven sons besides daughters. The second son was Daniel, the subject of this sketch, and Orson and Hyrum were two of his younger brothers, who came into the Church of Latter-day Saints, following their natural leader and elder. Hyrum was a good and true man, well known for his integrity among the Nauvoo Saints. He was in effect a martyr to the cause he had espoused. About the time of the exodus from Nauvoo he and his nephew (Claudius) drove away a herd of cattle from their pursuers, the mob. They rode on in their flight through the night until Hyrum fell exhausted, and in the morning he was beyond all mortal pursuit. Orson Spencer, the other brother, has a first class historical name in the Church, as distinguished as that of its apostles.

Daniel, before he reached the age of twenty-one, bought his time out from his father, and made a manly and true American push into the great world to establish his character and social pos-

ition in life. At that period a new commercial intercourse was opening between New England and the Southern States. The sagacious and enterprising youth, who afterwards so distinguished himself for a quarter of a century as the chief justice of the Mormons, even then weighed in the balances of his mind the commercial situations of his country, and started into the Southern States. There he opened the way for five of his brothers, in the State of Georgia and also in North and South Carolina. For himself he established a flourishing mercantile house at Savannah, which he followed for thirteen years. As an example of the extent of his mercantile transactions in the South, his son has informed the writer that the business of his father while at Savannah, some days reached the magnitude of a hundred thousand dollars.

Daniel not only opened the way in the Southern States for five of his brothers, but with them gave to his brother Orson a collegiate training, bearing chiefly the expenses of that classical education for which Orson is so celebrated in our Church as a theologian and a highly accomplished author. It is well known that Orson was lame and his elder brother educated him for the pulpit instead of the counting house, and while his brothers were pursuing the calling of merchants in the South, he was rising to the sphere of an influential clergyman in the Baptist Church in Massachusetts.

At the close of his commercial career in the South Daniel Spencer returned to his native place West Stockbridge, Massachusetts. He was then about thirty-five years of age, in the very prime of manhood. After his return he married Sophronia, daughter of General Pomeroy. The family of his bride was of the old Puritan stock, high in social rank and respected by all for their moral worth and representative character. Some of the branches of her family are to-day figuring largely in the affairs of the nation, and are in high repute in the best circles of the land. Of this union came Claudius Spencer, and he was their only issue.

On his return to his native place, Daniel established a large mercantile house. He also became the proprietor of a first class hotel, and engaged largely in farming operations. His business was very prosperous and all his commercial relationship at that period most happy. Besides his more personal and extensive business concerns, he also became connected with a mercantile house in partnership with the Messrs. Boyingtons, celebrated marble dealers. So much trusted by the firm was he that the whole supervision of the firm fell upon his shoulders. Among his townsmen he was universally respected, and he enjoyed the unbounded confidence of the people in all the region around, just as he ever did after he became a member of the Church of Latter-day Saints, by all who knew him, whether followers of his profession or disbelievers in the Mormon mission. At least every one who knew him believed in Daniel Spencer.

We now come to the period when Daniel Spencer became connected with the Mormon Church, of which he has been acknowledged by all—and by none more cordially than by Brigham Young—to be one of the leaders of its representative men. It was in January, 1840. Until this date no elder of the Mormon Church had preached in his native town. Our late esteemed citizen, John Van Cott, however, belonged to the same region, and already his relatives, the Pratts, had been laboring to impress Van Cott with the Mormon faith. But Daniel Spencer, up to this date, had no relationship whatever with the people with whom himself and his brother Orson afterwards became so prominently identified, in all their destiny, establishing for themselves among that people historical names.

At this time Daniel Spencer belonged to no sect of religionists, but sustained in the community the name of a man marked for character and moral worth. It was, however, his custom to give free quarters to preachers of all denominations. The Mormon elder came; his coming created an epoch in Daniel Spencer's life. Through his influence the Presbyterian meeting house was obtained for the Mormon elder to preach his gospel, and the meeting was attended by the *elite* of the town.

At the close of the service the elder asked the assembly if there was any one present who would give him "a night's lodging and a meal of victuals in the name of Jesus." For several minutes a dead silence reigned in the congregation. None present seemed desirous to peril their character or taint their respectability by taking home a Mormon elder. At length Daniel Spencer, in the old Puritan spirit and the proud independence so characteristic of the true American gentleman, rose up, stepped into the aisle, and broke the silence: "*I will entertain you, sir, for humanity's sake,*" said our noble, departed brother, in answer to the appeal of the brother to be taken into some benevolent house for Jesus' sake.

Daniel took the poor elder, not to his public hotel, as was his wont with the preachers generally who needed hospitality, but he took him to his own house, a fine family mansion, and the next

morning he clothed him from head to foot with a good suit of broad cloth from the shelves of his store. But how stood he at that time regarding the mission of the Prophet of this new dispensation opened in America? He stood a firm, conscientious unbeliever, and would not hear anything from the preacher concerning Mormonism. He was prejudiced against his doctrines. He did not for a moment believe that Jesus had anything to do with the matter, and he took no merit to himself for winning his title to that blessed plaudit from the Lord, promised to such as he: "When I was ahungered ye fed me; naked, and ye clothed me; a stranger and ye took me in." He merely felt his duty to his fellows, and manifested that spirit of kindness and gentleness which so abundantly marked his life. Daniel Spencer loved his fellow man.

The elder continued to preach the new and strange gospel, and brought upon himself much persecution. This produced upon the mind of Daniel Spencer an extraordinary effect. Seeing the bitter malevolence from the preachers and the best of professing Christians, and being naturally a philosopher and a judge, he resolved to investigate the cause of this enmity and unchristianlike manifestation. The result came. It was as strongly marked as his conduct during the investigation. For two weeks he closed his establishment, refused to do business with any one, and shut himself up to study; and there alone with his God he weighed in the balances of his clear head and conscientious heart the divine message, and found it not wanting. One day, when his son was with him in his study, he suddenly burst into a flood of tears, and exclaimed: "My God, the thing is true, and as an honest man I must embrace it; but it will cost me all I have got on earth!" He had weighed the consequences, but his conscientious mind compelled him to assume the responsibility and take up the cross. He saw that he must, in the eyes of friends and townsmen, fall from the social pinnacle on which he then stood to that of a despised people. But he stepped out like a man—like himself.

At mid-day, about three months after the poor Mormon elder came into the town of West Stockbridge, Daniel Spencer having issued a public notice to his townsmen that he should be baptized at noon on a certain day, took him by the arm and, not ashamed, walked through the town taking the route of the main street to the waters of baptism, followed by hundreds of his townsmen to the river's bank. It was quite a procession to witness the wonderful event, for thus it seemed in the eyes of his friends and fellow-townsmen. The profoundest respect and quiet were manifested by the vast concourse of witnesses, but also the profoundest astonishment. It was nothing wonderful that a despised Mormon elder should believe in Joseph Smith, but it was a matter of astonishment that a man of Daniel Spencer's social standing and character should receive the mission of the Prophet and the divinity of the Book of Mormon.

On the same day of his baptism, which was in April, 1840, he was confirmed into the Church by James Burnham, who officiated in the two initiatory ordinances; and, in the same month, he was ordained to the office of a priest.

The conversion and conduct of Daniel Spencer carried a deep and weighty conviction among many good families in the region around, which, in a few months, resulted in the establishment of a flourishing branch of the Church. This branch which he was the chief instrument in founding, and over which he presided, has contributed its full quota of respectable citizens to Nauvoo and Utah. John Van Cott, the man so long identified in the history of the Scandinavian mission, and a representative man also came from that region.

About the period of Daniel Spencer's connection with the Mormon Church, the partners in the firm to which he belonged, took the benefit of the bankrupt law, which resulted in his financial depression. He then gave himself much to the ministry, and soon after brought into the Church his brother Orson. He continued for two years laboring in the ministry in that region, and then (1842) he removed to Nauvoo. He had scarcely arrived in the city of the Saints, when he was appointed on a mission to Canada. On his return, he was elected a member of the Nauvoo city council; but soon afterwards was sent on a mission to the Indian nation. From the hardships of that mission he never recovered to the day of his death. The next year, he was sent on a mission to Massachusetts, returned and was elected mayor of Nauvoo.

So high was the Prophet Joseph's estimate of his character and justice that he said of him, "Daniel Spencer is the wisest man in Nauvoo."

At the time twelve men were selected by Joseph Smith to explore the Rocky Mountains, with the view of the Saints locating there, Daniel Spencer was called as one of them, but the exploring expedition was interrupted by the martyrdom of the Prophet.

At the time of the great exodus from Nauvoo in 1846, Daniel started among the first of the Pioneers to the Rocky Mountains. He was a captain of fifty. But the leading companies finding

that the journey could not be accomplished that year, and the news of the extermination of the remnant from Nauvoo reaching the President, Brigham departed from his first intentions and the Saints went into Winter Quarters. When the city was organized—then known as Winter Quarters but now as the city of Florence—Daniel Spencer was chosen to act as a bishop of one of the wards. He spent a large amount of his means in his benevolent administration to the suffering and dying of the sorely tried and afflicted "Camp of Israel." It was at the period when the dreadful plague struck the camps of the Saints just following their flight from Nauvoo.

In the spring of 1847, when the Pioneers, under President Young, took the lead of the main body of the Church, Daniel was appointed President of two companies of fifties to follow in the Pioneer van. There was considerable emulation between most of the captains of the companies, that year, to see who sholud reach the terminus of the journey first. A distinguished captain one day passing Daniel's company, which was encamped for the day recruiting the strength of both man and beast, with good-natured sarcasm asked Brother Spencer if he had any message for the Pioneers. He answered significantly, "Tell them I am coming, if you see them first." Then turning to the camp he said, "Sisters, take plenty of time to wash, bake, rest, and go picking berries, and we will get to the terminus first and come back and help Brother Farley in, for we shall have it to do." This turned out to be the case; and Daniel Spencer's company was the first of the Winter Quarters' emigration that followed the Pioneers into the Great Basin.

To help the organization of the Pioneer company, he had, at Winter Quarters, outfitted three men with provisions, clothing, seed grain, farming implements, team and wagon, and the first winter after the arrival he fed twenty-six souls. In the organization of the high council of the stake, he was appointed a member; and soon afterwards was elected its president, which position he filled up to his death. He was a member of the Legislature for years, and for some time sat in the Senate of the Provisional Government of the State of Deseret, and acted in connection with those who framed its constitution. He was appointed on a mission to England; and filled the place of first counselor to Franklin D. Richards. He arrived in England just at the important period of the publication of the revelation on polygamy, and by his wisdom very much sustained the Church. Having honorably fulfilled his mission to Europe he returned to his native land in 1856.

We all know the history of Daniel Spencer since his return? The public heart was deeply touched by that splendid funeral sermon which President Young preached over the mortal relics of Daniel Spencer in honor of his memory.

After his return to Salt Lake City, President Spencer resumed his duties as the administrative head of the Salt Lake Stake of Zion, which position he held to the day of his death; and here may be given a brief historical exposition of this stake and its administration in the organic growth of our city and Territory.

At the organization of the stake, he was, under the First Presidency and Twelve, made the spiritual head of the entire colony; and under his administration Salt Lake grew up several years before its incorporation under the civic government. At that time the president of the stake occupied something like the position of the mayor of the inchoate ccity, and chief justice of the Church. All cases were tried under him, in the court of the High Council, he sitting with his counselors as presiding judge; and not only did this court adjudicate all the differences arising between members of the Church, but the gentile emigrants to California, on their arrival in Salt Lake City (or Stake), brought their difficulties before this court for equitable settlement. It is to be observed that, in 1849, there was no courts of any kind to which the "gold-finders" could bring their difficulties after they left the Missouri River until they reached this stake of Zion, where a court of justice of the Mormon Church existed, over which Daniel Spencer presided. Strange as it may seem in history, many of the Gentile emigrants brought their cases for adjudication before this court, some of them involving tens of thousands of dollars; and with such equity did Daniel Spencer administer justice that the Californian emigrants very generally conceded that they obtained more equitable settlements than they would have done by litigation in the courts. In their "letters home," published in American and English papers, may be found often acknowledgments of this kind from the gold seekers of 1849-50. Two other instances, of a later date, may be told in closing this sketch.

One of the most influential of the bishops of the Southern settlements got many thousand dollars into the debt of Joseph Nounnan, a Salt Lake banker; and such was Nounnan's confidence in the ecclesiastical court over which Daniel Spencer presided, that he brought suit against the bishop in that court in preference to going to law. The trial occupied one hour and a half, when decision was rendered that the bishop should pay the full amount within twenty-eight days, or be

suspended from his bishopric. At the close the banker tendered his thanks to the court and offered a liberal pecuniary present to the members, which were declined, for suits in this court were without costs. Another case involving some $4,500 occurred between Mr. Ellis, a Salt Lake City merchant, and an influential Mormon. Ellis took his case to the same court and recovered his entire claim.

Daniel Spencer died December 8th, 1868, aged 74.

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## JOHN C. CUTLER.

John C. Cutler was born Febrnary 5th 1846, in Sheffield England. He is the son of John Cutler and Elizabeth Robinson His father was an edge tool manufacturer; and both father and mother were Methodists; in the year 1857, his father joined the Mormon Church and came to Utah, remaining until the year 1860, when he returned to England to try to bring on his family. In April, 1864, his father, mother and six children (including himself) left England for Utah, arriving here in October, having crossed the Plains by ox team. The subject of this sketch, when a little over twelve years of age, was offered a situation with S. & J. Watts & Co. of Manchester, England, where he remained clerking until 1864, and during this time, being away from his relatives, he learned economy and dependence upon himself. The day after arriving in Utah he, with his brother (now the Bishop of Lehi) and his father commenced digging beets, carrots and potatoes on shares, and digging on what is called the Church Canal to pay their assessment for water on a small farm that they bought in East Mill Creek, and John C. continued at such work until the fall of 1865. When Thomas Taylor, the merchant, offered him a position to clerk for him, he started back with Mr. Taylor to Sweetwater, and assisted in bringing in the last company of emigrants that year, and a stock of goods, which was disposed of in Salt Lake City, and the following season went to New York and St. Louis to assist as purchasing agent for another stock of goods, and continued clerking for him until 1871, when he was taken into partnership. In 1876 the partnership war dissolved by mutual consent, Mr. Taylor continuing the business. Shortly afterwards John C. Cutler took the agency of the Provo Woolen Mills, President Brigham Young kindly renting a portion of the Old Constitution building to him at a nominal rent, as he wished to encourage the enterprise. The sales of goods the first year amounted to twenty-eight thousand dollars, and from then they steadily increased until 1884, when the sales amounted to the sum of one hundred and fifty thousand dollars. In 1884 the company thought to increase their sales by adopting another method, and took their agency away from him, Finding that their sales decreased, they again, in 1885, offered him the agency. He then associated himself with his brother Joseph G. Cutler, under the firm name of Joseph G. Cutler & Brother, as agents of the Provo Woolen Mills, and though their connection with their customers had been broken, they sold about a hundred thousand dollars' worth of goods. In August, 1885, John C. Cutler purchased a portion of the Old Constitution Building, 27 feet front by 124 feet deep, and in the spring of 1886, having remodelled the store and made it one of the finest on that block, the firm of John C. Cutler & Brother moved into it. They have also added to it a tailoring establishment, which has proved quite a success.

In August, 1883, John C. Cutler was elected county clerk of Salt Lake County for the unexpired term. In 1884 he was re-elected for the term of two years, and has just been nominated by the county convention county clerk for the coming election in August, 1886.

As a county officer it may be affirmed that Mr. Cutler possesses the entire confidence of the public, both as to his integrity and ability.

## LEONARD W. HARDY.

Leonard Wilford Hardy, one of the earliest of our city officers and a presiding bishop of the Church, was born in Bradford, Essex County, Massachusetts, on the 31st day of December, 1805, and was baptized into the Church on the 2d of December, 1832, by Apostle Orson Hyde. He was soon afterwards ordained an elder and began to labor in the ministry. On the 6th day of December, 1844, in company with Apostle Wilford Woodruff and wife, Milton Holmes, Dan Jones and wife, and Hyrum Clark and wife, Elder Hardy went on board the *John R. Skiddey* and sailed for Liverpool to fill a mission to England. He labored for a while in the Manchester Conference, and afterwards took charge of the Preston Conference. At Preston he was attacked with small pox, but was healed through the administration of the elders. On the 19th of November, 1845, he took passage for his return to New York.

On the return of the Pioneers to the Valley in 1848, Wilford Woodruff was sent to Boston to gather up the remainder of the Saints in the Eastern States. Elder Woodruff, leading the last company himself towards the Rocky Mountains, was joined by Elder Hardy and his family at Boston, who left there on the 9th of April, 1850, with a hundred Saints, and in the organization of the company on the frontier, Elder Hardy was appointed captain of the first fifty. The cholera visited all the traveling camps that season, and Elder Hardy was attacked by the disease, but the administration of the elders again preserved him. After his arrival in the Valley he was ordained a bishop on the 7th of April, 1856, and called to preside over the Twelfth Ward, and afterwards also over the Eleventh Ward. In October, of the same year, he was ordained one of the presiding bishops of the Church. In 1870 he went on a mission to his native State, Massachusetts. He served the city in various capacities. On the organization of the municipal government he was appointed captain of police, and his services were rendered without pay. He was elected a member of the city council in 1859, and again in 1862 and 1864. During the latter period of Edward Hunter's presidency, Bishop Hardy, as his first counselor, was really the acting presiding bishop, his good old chief relying on him with the utmost confidence. Bishop Hardy was an honest man, and those who knew him most valued him for his sterling qualities and character. The Salt Lake *Herald* of August 1st, wrote as follows on his death:

"Last evening, at about 8 o'clock, we received the following sad telephone message:

"'Bishop Hardy passed peacefully away at 7 p. m.'

"Hardly a year has passed since the knell was sounded for Bishop Hunter, which seems to have been the forerunner of many others of his class so soon to follow. We now have to chronicle the death of one of Salt Lake's leading citizens, and a trusty, good man. The death of Bishop Hardy leaves a big void, for such men cannot easily be found. Humble and retiring in all his movements among men, never courting position, but never shrinking from a single duty. A man who dropped a tear for the sufferings of others, but who faced the dangers and hardships of life with unflinching courage. Full of integrity, and a true friend, he was known by almost the entire adult population of the Territory, and we think it may be truly said of him—to know him was to love him.

"Bishop Hardy seemed to be enjoying excellent health until the first day of July, when he received a slight stroke of paralysis, affecting his entire right side and depriving him of his speech. Since then he has had several severe attacks of the same affliction, but so strong was his hold upon vitality that it seemed to be a hard struggle for him to finally give up to what he must have known was his death warning. Last Friday fears were entertained for his life, but he rallied again Saturday and would drive his own team down to his farm a little south of this city, and seemed to be in the best of spirits. Saturday night about 12 o'clock he suffered another attack, and Sunday morning found him exhausted and unable to speak; Sunday noon he walked to the outside door of his dwelling and looked out upon his farm; again, just before evening, with the help of two of his sons, he hobbled to the door, gently pushed the wire screen away and took a long, fond gaze at all the familiar surroundings of his peaceful home, and with one last look at the setting sun his head fell upon his breast and he was taken to his bed to rise no more."

## JOHN KIRKMAN.

John Kirkman, one of the members of the present city council of Salt Lake City, was born in Manchester, England, November 1st, 1830. He is the son of Henry Kirkman and Sarah Holmes. In 1836, his parents moved to Dublin, where his father put up some of the first steam-power looms worked in that city. Having accomplished this and set them going the family returned to Manchester.

Councilor Kirkman's own business when he was a boy was in calico printing and weaving. He worked for the firm of Woolley & Sons until he left England. He came into the Mormon Church in Manchester, in 1849, and was a leader of the Manchester choir for five years. He emigrated to America in November, 1855, and arrived in Salt Lake City October, 1856, having crossed the plains in John Bank's company. He settled in Nephi, Juab County, immediately on his arrival, and on the 13th of December, 1856, he was married to Elizabeth Jackson, a native of Manchester, who came in Edward Martin's handcart company. In the year 1860, he moved to San Pete County, and settled at Moroni. There he taught school two or three years, and about the year 1866 he was appointed county treasurer. At the organization of the city council of Moroni, he was elected city recorder, which position he held till he moved to Salt Lake City in 1871. He was commissioned notary public for San Pete County, by Governor Durkee and he also held the position of postmaster for Moroni. After his removal to Salt Lake City he was appointed by the presiding bishop one of the principal clerks of the Tithing Office, his labors being in the receiving and disbursing department, in which position he still remains. At the last municipal election of Salt Lake City, in February, 1886, John Kirkman was elected to the city council as councilor from the first precinct.

# APPENDIX.

# HISTORY OF SALT LAKE CITY.

# APPENDIX.

## JOURNALISM.

The *Deseret News* was the first paper published in the Rocky Mountains. It was issued June 15th, 1850, being a weekly, eight pages, 7 x 10 inches, 3 columns, in brevier and long primer type; Willard Richards was its editor. As a relic we give its "prospectus:"

"*Deseret News—Motto*—'Truth and Liberty.'—We propose to publish a small weekly sheet, as large as our local circumstances will permit, to be called *Deseret News*, designed originally to record the events of our State, and in connection, refer to the arts and sciences, embracing general education, medicine, law, divinity, domestic and political economy, and everything that may fall under our observation, which may tend to promote the best interest, welfare, pleasure and amusement of our fellow-citizens.

"We hold ourselves responsible to the highest court of truth for our intentions, and to the highest court of equity for our execution. When we speak we shall speak freely, without regard to men or party, and when, like other men, we err, let him who has his eyes open, correct us in meekness, and he shall receive a disciple's reward.

"We shall take pleasure in communicating foreign news as we have opportunity; in receiving communications from our friends, at home and abroad, and solicit ornaments for the *News* from our poets and poetesses.

"The first number may be expected as early in June as subscriptions will warrant—waiting the action of three hundred subscribers.

"Terms, six months, $2,50, invariably in advance. Single copy 15 cents.

"Advertising: $1.50 per square of 16 lines, and 50 cents each succeeding insertion; $1.00 per half square, or 8 lines.

"Travelers and emigrants, 25 cents per copy, with the insertion of their names, places of residence, time of arrival and leaving. Companies of twenty and upwards entered at once, 20 cents each.

"A paper that is worth printing is worth preserving; if worth preserving, it is worth binding; for this purpose we issue in pamphlet form; and if every subscriber shall preserve each copy of the *News*, and bind it at the close of the volume, their children's children may read the doings of their fathers, which otherwise might have been forgotten; ages to come."

Thus commenced journalism in Utah; and the *News* is itself an example how almost utterly the early record of a colony becomes lost in thirty or forty years, seeing that scarcely a volume of this first issue survives; but small as it was the *News* in that day was almost as welcome periodically as a "letter from home" to a community so isolated from the rest of the world.

Its second volume commenced November 15th, 1851, when the paper was increased to double its original size and printed in bourgeois, minion and nonpareil type, and issued semi-monthly, Willard Richards being still the editor.

On the 11th of March, 1854, Willard Richards died. Albert Carrington succeeded him as editor of the *Deseret News* and the paper ran its yearly course without any special mark in its journalistic history until the period of the "Utah War," when for awhile it was published at Fillmore, but soon returned to Salt Lake City when peace was restored.

The next newspaper published in Utah was the *Valley Tan*. It originated at Camp Floyd, but was published in Salt Lake City. Its special mission was to make war upon the Mormon power, and from time to time reprove and criticise the acts of Governor Alfred Cumming, between whom and General Albert Sidney Johnston (it will be remembered) an irreconcilable feud had occurred over the occupation of Utah. The following was its prospectus and introductory paragraphs:

"Custom has made it necessary upon the event of a new paper, that the editor should present himself before the footlights of public opinion, and indicate his course and policy. We shall not trouble our readers with any lengthy disquisition. Our saluation shall be short and, we trust, understood.

"We have embarked in the enterprise of publishing a paper in this Valley, because we believed the interests and wants of a large portion of the people of the Territory required an exponent differing essentially from any hitherto published in their midst, that the necessity of a *newspaper* in its true signification was demanded, local in its nature, catching the current of events upon its mirror and reflecting them back to the people.

"We did not come here to make war upon 'this people,' but it is our intention so far as our efforts and abilities can extend, to aid in correcting abuses and errors, and particularly those relating to the administration of public affairs. We are satisfied that many exist, and in the discussion of them we shall be guided by their rules of courtesy, which should always be manifested in an open, fair argument. People are appealed to through their reasoning faculties, and discussion is the legitimate means used to accomplish it; the barrier of exclusiveness which has so peculiarly surrounded the people of this Territory, should be broken down and a more free and candid interchange of sentiment be maintained. If in developing the resources of this Territory, and thus contributing to the prosperity of the people, is a matter of consideration, then all proper appliances to bring about this result should be encouraged. The spirit of exclusiveness which views a brother with a jealous eye, disturbs the harmony of the political system and creates distrust.

"This Territory is the common property of the people of the United States, and any attempt by *legislation or otherwise*, which seeks to violate it interferes with individual and constitutional rights. Emigration should be invited, and the

emigrant should be met, not with barricades and bloody hands, but in the spirit of friendship.

"There are questions *peculiar* to 'this people' which must from necessity assume a *legal* and *political* aspect and we shall discuss them fearlessly and fairly.

"We design to make, so far as we are able to make, our paper eminently local, and present from week to week a faithful record of events and condition of affairs generally, thus endeavoring to present to the people, far removed from us and those at home, a true and faithful transcript, and not leave them to draw their own conclusions from the too often highly colored representations of correspondents.

"We shall endeavor to present to our readers a summary of interesting news generally, so far as our limited space will permit. With this declaration upon our part, we submit our case and will await the verdict.

"*Our christening—Valley Tan.*—This name will doubtless excite some curiosity in the 'States' as to what it signifies, and we will therefore make an explanation.

"Valley Tan was first applied to the leather made in this Territory in contradistinction to the imported article from the States; it gradually began to apply to every article made or manufactured, or produced in the Territory, and means in the strictest sense, *home manufactures*, until it has entered and become an indispensable word in Utah vernacular, and it will add a new word to the English language. Circumstances and localities form the mint from which our language is coined, and we therefore stamp the name and put it in circulation.

"*Our paper.*—We are not disposed, neither do we make an apology for this our first number, circumstances themselves will furnish an explanation, and if need be, a justification. The train containing our materials arrived last Saturday, boxes had to be opened, press set up, etc. Without stands, and short of cases, we used boxes, and in some instances the floor, a very uncomfortable condition of things, but which our compositors had the *backbone* to accomplish, so that it can readily be understood the confusion of affairs we are in and the disabilities we labor under.

Our *frontispiece*, looks naked and blank, but it was the best we could do, and if its bleakness strikes the eye of the critical observer, let him charitably conclude that we are in the Rocky Mountains, and 'pass our imperfections by.'

"Our paper is not as large as *we have been used to*, or as we intended, but our remote distance from the States, requires that we should economize. In this connection we will state that we are prepared to execute plain job work and blanks at reasonable prices."

The *Valley Tan* indirectly gave birth to the *Mountaineer*. The antagonism to the Mormon Church required a bold and brilliant advocate to take up for the community the gauntlet thrown down by the attachees of Camp Floyd, and General James Ferguson and Mayor Seth M. Blair were the most fitting men for the work and the times. Ferguson was a man of capacious intellect, a brilliant writer and a gallant soldier, who was as ready to defend his people with his weapon as with his pen; and Blair, who was one of General Sam Houston's Texas Rangers, and the first U. S. district attorney of Utah, was a compeer every whit worthy of

his dashing journalistic brother. Undoubtedly Ferguson and Blair gave for awhile spirit and progress to Utah journalism, but with the evacuation of Camp Floyd, and the death of the *Valley Tan*, the *Mountaineer* lost its mission, there being no longer an enemy in the field to fight.

The arrival of the California Volunteers soon repeated the journalistic necessities of the days of Camp Floyd.

On the 20th of November, 1863, the first number appeared of *The Union Vedette*, published, as announced, "by officers and enlisted men of the California and Nevada Territory Volunteers." Its prospectus follows:

"*Salutatory.*—In the wide sea of newspaper literature, the launching of another bark whose tiny sails will woo the variable and ever shifting breeze of popular favor is, we are aware, a matter of little moment to the great buzzing world on either continent. In these latter days of improvement, enterprise and civilization, the great lever of human society, lifting it up to a higher point, and the mighty regulator of man's doings is a free, untrammeled, unwarped and independent press. Throughout the civilized world, it is the boast of the nineteenth century, that it has spread its broad pinions until the silver linings of its thousand wings shed brightness over all the land, and its Briarian arms penetrate every village and almost every hamlet. 'As the waters cover the sea' so does the press cover both great continents, wherever civilization and progress have stamped the character of nations, circling the world with its halo of light, and life and joy. On this wide ocean, among the multitude of crafts which dot its surface, do we to-day launch our little vessel, hoping for gentle breezes on our onward course, and trusting in a conscious rectitude of purpose, to keep us clear of the shoals and breakers and shipwreck which threaten such undertakings on every hand.

"Unimportant as is our appearance and modest our page, 'a decent respect for the opinion of mankind,' as well as established usage, makes it incumbent on us to make our bow to the great public and 'declare the motives which impel us to our course.' Firstly, then, we find here a wide field for the independent efforts of the journalist. We are dwelling in the heart of an organized Territory of the United States, boasting a population of 80,000 souls, who possess but one general newspaper from which to gather news and sentiments, and through which they can communicate with the outer world. This fact, in itself, is an anomaly, and has no parallel within the boundaries of the United States. Secondly, the Gentile (so-called) portion of the community—including the military within this district—has no medium of publicly setting forth its opinions, or communicating its thoughts, correcting misapprehension, or rebutting misrepresentation, either at home or abroad. The want of a press for these and similar purposes, has been sorely felt since the troops arrived in these valleys, and we propose to supply the want so far as our ability and limited space will permit.

"To every rightly constituted mind it has been a source of regret that the relations existing between the mass of the people and the military in Utah, have not been of either a cordial or amicable nature. The misrepresentation which has brought about this untoward state of feeling between Mormon and Gentile—which has led the former to believe that the latter were their chosen and appointed enemies and persecutors—that they were but the representatives of a government

seeking the destruction and annihilation of the Mormons for opinion's sake—and all such trash it will be our province to attempt to correct. The efforts of evil disposed persons to bring about conflict in this Territory, between the military and the civil inhabitants, the appeals of ambitious, crafty, designing men, to wean the people from the government, that their own ends may be subserved—who constantly vilify and abuse the officers of the best government with which this or any other people was ever blessed—it will be our duty to expose. The bold denunciation and the covert sneer uttered against the nation, more becoming a foreign foe or the open rebel, than those who here enjoy the protection, care and blessings of the freest, greatest and most paternal government on earth—grate harshly on the ear, and come not, we would fain believe, from the heart of the people. The teachings which border on treason, if indeed they fill not the measure of iniquity, the whisperings of some and the defiant speech of others, appealing to the passions, prejudices, and religious fervor of the multitude, seeking to wean them from loyalty to the nation, we trust have found no deep abiding place in the mind and heart of the great mass of the people of Utah. If they have, we propose to calmly argue the question with them. If, in excitement and mispresentation, they have indeed been led astray, we ask them to hear us in the quiet and peace of their own retired homes. We propose to appeal from 'Cæsar drunk to Cæsar sober' —from an excited and impassionate populace to the calm reflection of a thinking, reasoning community, from the teachings and narrow prejudices of scribes and elders, high or low, to the plain common sense of plain, common, honest men. For those bold, bad men—if such there be—who, to compass their own ends, seek to mislead the multitude—as to the intentions and wishes of the Government and its representatives, civil and military, in Utah, we have little respect and far less care; but for the mass of the people whom we know to be honest and sincere, though mistaken, and it may be, prejudiced, we have both. To them we propose to talk in our own plain, homely way. With their domestic relations and interior life we have naught to do, other than as good citizens, we may entertain and, on proper occasions, properly express our own opinions on any subject touching the general weal. While as soldiers, we came not to make war on this people, neither in this enterprise is it our design to intrude upon their every day life.

"When we say that the primary object of sending troops to Utah last year, was the protection of the Overland Mail and Telegraph lines, we but repeat what every man of ordinary intelligence knows to be a fact; and when we add that the constant effort of some has been to array the people against the Government and the soldiers, and inculcate the erroneous idea that the latter were sent hither to persecute and destroy, we but say what the signs of the times and the present state of feeling prove, and what it were mere hypocrisy to attempt to deny. With the consciousness of stating the truth, we affirm that this bad state of feeling has not been occasioned by any intentional act of the officers of this command, and know not a single instance of oppression or wrong on the part of the troops, which has not met with the discountenance and prompt rebuke of the general in command. On the other hand, who cannot cull from recent memory, repeated acts and teachings tending to provoke difficulty, if not indeed designed to court trouble with the military authorities. But all ebullition of feeling under instances of pro-

vocation, has been quelled, and the utmost leniency extended towards public expressions—which were far better left unsaid.

"Without indulging in threat or menace, we feel called upon to say, that while it is the desire of the military authorities to live in peace, protect the interests and advance the welfare of the people of Utah, respect for the Government and the institutions of the land, should be voluntarily accorded by one and all, high and low, and toleration for disloyal sneers is no part of the duty of the true citizen, whether official or otherwise. It is the earnest wish of every man attached to the command, to live on terms of amity and good will with the people of this Territory, so long as we shall sojourn with them; and it were a burning shame to permit that feeling to be jeopardized by a meagre intriguing few. While, therefore, it is not the mission of the California column in Utah, to insult, oppress, or persecute the people of these valleys, it must not be forgotton that the Nation —our own native or adopted home—is to-day struggling with a gigantic, unholy rebellion, and the duty of every good citizen to sustain by word and thought and deed our common country, is as plain as it is imperative. We say this—as we have begun our enterprise—in the best of feeling, trusting and believing that our language will not be distorted into aught that savors of threat or unkindness, but as the friendly voice of those who seek the good and prosperity of every man, woman and child in Utah, who have not voluntarily placed themselves beyond the pale of charity and friendship.

"Our first duty is to the Nation, whose preservation and advancement every good citizen holds next to his heart. Our second, in Utah, the happiness, freedom and progress, of whose people we know to be the desire of the general commanding and those united with him in the discharge of public duty."

A journalistic foil to the *Vedette* was deemed necessary in the city, and Mr. T. B. H. Stenhouse projected the Salt Lake *Telegraph*. Mr. Thomas G. Webber was its business manager, John Jaques its practical editor, and Stenhouse its editor-in-chief and publisher.

The very useful mission of the *Telegraph* was at once appreciated both by the Mormon leaders and their people. Evidently it would not do for Camp Douglas to classify and claim the Mormon people as worthy to be owned as a part of the American nation while their leaders were proclaimed unworthy and disloyal at their heart's core. This seemingly fine Gentile diplomacy of separating the Mormon "sheep from the goats," has been even more offensive to the people than to the leaders, for nearly every Mormon is an elder of his church, which makes the distinction a personal affront. It was not becoming in the *Deseret News* to enter the arena with the *Vedette* to champion the leaders, but the *Telegraph* seized the ready lance and expressing the ineffable scorn of the Mormon people, dubbed the folks at Camp Douglas—"Regenerators!"

But the *Vedette* obtained quite a lively circulation in Salt Lake City among the Gentiles and seceders; and when it became a daily, January 5th, 1864, there was quite a sensation of triumph produced among its supporters in the city as well as among the soldiers at Camp. The *Daily Union Vedette* was the first daily newspaper published in Utah. Mr. Lucius A. Billings, of the Salt Lake Post Office, was its first carrier.

October 20th, 1864, there was issued the first number of the *Peep o' Day*, "a Salt Lake magazine of science, literature and art;" "edited by Harrison and Tullidge; published in the Twentieth Ward." It was the first magazine published west of the Missouri River, and was printed at the *Vedette* office, Camp Douglas.

The financial backers of the *Peep o' Day* were the Walker Brothers, John Chislett and Col. Kahn; but through inexperience too large an edition was published and several thousand dollars capital was lost in the inception. This occurred at the time of the paper panic in America. Paper in Salt Lake City was worth sixty cents per pound; and the stock of the *Vedette* was no longer able to supply the issues of the *Peep o' Day*. Even the *Deseret News* suspended awhile for lack of paper.

The *Utah Magazine* was really the offspring of the *Peep o' Day* with the same editors, but with a new backing, Wm. S. Godbe being its patron; and Godbe and Harrison proprietors. This magazine ran through two series, and three volumes. The second series signified the period while it was working with a defined mission, bringing forth the "Godbeite Movement;" both this movement and the magazine proper have been sufficiently treated in former chapters.

The *Mormon Tribune* (which was simply the *Utah Magazine* transformed) ran off its first copy on the night of January 1st, 1870, which date it bore. Its original editors were Harrison and Tullidge, with Eli B. Kelsey, business manager. William S. Godbe was its financial guardian. William H. Shearman soon afterwards became business manager and associate editor, and Kelsey and Tullidge retired.

The Daily *Herald* was issued on June 5th, 1870. Its size was four pages, 14x20, in five columns. E. L. Sloan may editorially be considered the founder; Mr. William C. Dunbar was its business manager, and in this respect he was a joint founder, both of these gentlemen going into the enterprise together. The times were propitious for its start, for the Salt Lake Daily *Telegraph* had just been discontinued, leaving a field open for a new paper. During the latter part of its career, Sloan was the editor and Dunbar the business manager of the *Telegraph*. Notwithstanding the *Telegraph* had been moved to Ogden by counsel, these gentlemen sagaciously saw that a secular newspaper, conservative of the Mormon citizen's rights as well as supportive of the just claims of the Gentile, who had now become an influential factor in our mixed society, was needed most in Salt Lake City. This was the basic idea of Edward Sloan as a journalist. But there was also another view that made this paper a necessity. The *Tribune* had started and it was, it must be confessed, an anti-Church paper. The *Herald* had, therefore, the chance of a more purely journalistic mission before it, and those who six months before might have discountenanced its starting saw the then present need of the times and the surroundings; thus the *Herald* started with a decidedly winning advantage.

On September 2d, 1870, the Semi-Weekly *Herald* was issued; October 2d, 1870, the daily was enlarged to seven columns; March 11, 1871, it was again enlarged to eight columns; and on September 26th, 1871, it was enlarged to nine

columns, being then just twice the size of the first issue. On March 4th, 1880, the weekly was issued.

In 1873, in the month of July, the *Herald* Printing and Publishing Company was incorporated, and the shares distributed somewhat, though the three original proprietors still retained a large portion of the stock. John T. Caine has been president of the company from the first, and up to 1876, when he was elected city recorder, was actively connected with the management of the paper.

The editors have been, first—Edward L. Sloan. In 1874, in the month of August, death took from the paper this man of rare journalistic genius who had founded it. He was succeeded by Mr. E. N. Fuller, the brother of the Hon. Frank Fuller, who was principal editor from August, 1874, to November, 1877. During 1871, Mr. Fuller had assisted Mr. Sloan. During a portion of 1872 and 1873, W. H. Harrington was news and telegraphic editor. Byron Groo was the first local editor on the paper, commencing with the beginning of 1873; and, on the the departure of Mr. Fuller for the east, Mr. Groo took the place of managing editor, which he still occupies. He is the son of Isaac Groo, a well known representative citizen, who for years served in our city council. The editor was born in Sullivan County, New York, and came with his parents to Utah in 1854. He was trained in journalism under Sloan, who took a great interest in him, for which the present editor reverences the memory of the founder of the paper. Mr. Groo possesses many good points, both as an American citizen and a journalist. He is decidedly of the secular cast, and is a staunch Democrat in his political principles.

The *Woman's Exponent* was established June 1st, 1872. Eliza R. Snow was its projector, and Mrs. Levi Richards, jun., its first editor. This lady, however, soon retired and Mrs. Emiline B. Wells succeeded her, and under her editorial management the *Woman's Exponent* has become quite popular with the Mormon people. It is published by the women of the Mormon Church, having a company organization, of which Eliza R. Snow is president. It is the official organ of the societies of Mormon women, which exist in every city and settlement of Utah, and which with the exercise of female suffrage have held the balance of political power in Utah since 1870. This fact has given much of a political character and mission to the *Exponent* and Mrs. Wells has several times been to the Eastern States to meet in conference with the leaders of the woman's rights movement of America, in fact for the last fifteen years a constant fellowship has been fostered between the "Women of America" and the "Women of Mormondom," the former frequently championing the cause of their Mormon female suffrage compeers. Of the *Exponent* itself they have said, "the Mormon women have a press." Few of the church organizations of the country can boast a woman's journal. There are but few in the world and they are mostly edited and supported by the heterodox rather than the orthodox element.

The *Woman's Exponent*, in a general sense, may be considered heterodox, seeing it is an advocate of woman's rights on the marriage question and female suffrage, but is also apostolic and devoted to the Mormon mission. It represents the opinions and sentiments of the Mormon women. All of their organizations are represented in its columns, and it is thus a means of intercommunication be-

tween branches, bringing the remotest into close connection with the more central ones, and keeping all advised of the various society movements.

In 1866, January 1, the first number of the *Juvenile Instructor* was issued; George Q. Cannon, editor. The special design of this magazine was to educate the rising generation of the Mormon people, and to secure select readings for the homes, adapted to both parents and children. In this special mission, the *Juvenile Instructor* has been a power in every city and hamlet throughout Utah. Its class of literature for variety, instruction and entertainment, and also in the quality of its subjects, entitles the *Juvenile Instructor* to a first rank among church magazines. In many respects it resembles the once famous "*Cassell's Paper*," started in London nearly forty years ago, for the special purpose of educating the English homes, and whose mission was of a semi-religious order. The volumes of the *Juvenile Instructer* are not only copiously illustrated with wood-cuts to accompany their subjects, but it frequently publishes original music from Utah composers. Indeed, though others of our home magazines have appeared with [illegible] sheets of music type setting, to the *Juvenile* office belongs the honor of [illegible]ing a semi-musical magazine. Mr. George C. Lambert, nephew of George Q. Cannon, was for many years the assistant of his uncle in all the publishing enterprises of the *Juvenile Instructor* establishment.

The *Contributor*, a monthly magazine, was established in October, 1879, by Junius F. Wells. It is the representative organ of the young men's and young ladies' mutual improvement associations of the Latter-day Saints, and is an outgrowth of those associations, drawing its support of matter and means, very largely, from them.

It is regarded as the leading exponent of the feelings and faith of what is sometimes called "Young Mormondom." Its columns are filled with matter from the pens of the young and progressive men and women of the Church, whose sentiment as regards literature, as well as religion, is expressed in the motto of the magazine: "The glory of God is intelligence."

The prosperity and growth of the *Contributor* has been phenomenal. It started out to represent the young men and women of Utah, depending upon them for matter to make it a magazine of original home literature, and has so far succeeded that above a hundred and fifty names are already added to its list of contributors, mostly names of young men and ladies who never before wrote for publication.

The *Contributor* was at first a small octavo of twenty-four pages, issued monthly; but, at the commencement of the second volume, was enlarged by an addition to its size and an increase to thirty-two pages. The third volume introduced steel engraving portraits, which have been a notable feature of the succeeding volumes.

Early in the present year—January 11th, 1886, the *Contributor* Company was incorporated under the laws of Utah. The incorporators are among the leading men of the community, whose connection with the magazine insures its future prosperity. They are: Joseph F. Smith, Moses Thatcher, F. M. Lyman, John Henry Smith, Heber J. Grant, Orson F. Whitney, Richard W. Young, B. H. Roberts and Junius F. Wells. The officers of the company are Junius F.

Wells, president; Moses Thatcher, vice-president; B. H. Roberts, secretary and treasurer; H. J. Grant, O. F. Whitney, directors.

Junius F. Wells continues to occupy the editor's chair and to manage the publishing department.

In closing the history of Salt Lake journalism, we return to the *Deseret News* and the *Tribune*.

The Salt Lake *Tribune* is a culmination of other papers which accomplished a mission and passed away. Its original, undoubtedly, was the *Valley Tan*, whose offspring was the *Vedette*. The *Mormon Tribune* was but its parent in name. After the political coalition of 1870, which brought forward Henry W. Lawrence, as candidate for the office of mayor of Salt Lake City, on the ticket of the Liberal party, the common sense of the party quickly appreciated that the name "*Mormon*" *Tribune* must be resigned or another paper started in its stead. The transition to the Salt Lake *Tribune* was comparatively easy, yet scarcely was the change of name effected ere the new policy required that the editorial control should also change. This forced the retirement of Mr. E. L. T. Harrison, who was succeeded by Mr. Oscar G. Sawyer, who was brought on from the New York *Herald* staff to take the editorial charge.

The first issue of the Salt Lake Daily *Tribune* was on the 15th of April, 1871. The names of W. S. Godbe and E. L. T. Harrison still stood at the head of the paper; William H. Shearman, business manager; Oscar G. Sawyer was introduced as the managing editor.

The following is the prospectus of the Salt Lake Daily *Tribune*, under the caption "Our Programme:"

"The Daily *Tribune* will be a purely secular journal devoted entirely to the presentation of news and to the development of the mineral and commercial interests of the Territory. It will have no sectarian bias and will be the organ of no religious body whatever. The aim of the publishers will be to make it a newspaper in every sense of the word.

"The weekly *Tribune* having been the pioneer of the present mineral developments of the Territory, it will continue to lead in this direction. Mineral matters will, therefore, be one of its chief specialties. Correspondence has been secured in every mining camp, and arrangements entered into for obtaining perfect reports of the progress of mining operations throughout the Territory. The *Tribune* will be a complete record of mineral facts and statistics, the determination of the publishers being to make it the great mineral paper of the Territory.

"On political and social questions the policy of the paper will be to sustain the governmental institutions of the country. It will oppose all ecclesiastical interference in civil or legislative matters and advocate the exercise of a free ballot by the abolition of 'numbered tickets.'

"In municipal matters the *Tribune* will insist on uniformity and fixed rates of charges for licenses, such as permit of no discrimination between parties. It will also demand regular and full accounts of income and expenditures from all city, county, or other officers entrusted with public funds.

"Commercially, it will advocate the development of the mineral wealth of

Utah as its chief specialty. It will labor for the breaking down of the present sectarian boundaries which have surrounded matters of trade in this Territory; and work for the extension of its commercial relations with the rest of the world.

"As a journal the *Tribune* will know no such distinctions as 'Mormon' or 'Gentile,' and where sectional feelings exist it will aim for their abolishment by the encouragement of charitable feelings and the promotion of a better acquaintance.

"Correspondence is invited on all public questions of general interest from all who have anything to say and know how to say it with due regard for the opinions of others. We shall lay our columns open to the public for the freest criticism on public questions, provided disparaging personalities are avoided, and principles are handled rather than men."

The *Salt Lake Tribune* ran for awhile under the editorial direction of Mr. Sawyer; with him were associated George W. Crouch and E. W. Tullidge, ex-Mormon elders, and a Mr. Slocum, a leading Spiritualist from California. That such a strange combination could not possibly give unity of purpose or consistency of tone to the paper was soon evident, especially as a similar inharmony existed among the board of directors. The *Tribune*, in fine, changed its character, or rather mixed its characters with every issue. This "incompatibility of ournalism," as Mr. Sawyer explained to the public in his valedictory, which existed between him and the directors forced him also to retire from his position as editor-in-chief, after which Mr. Fred. T. Perris became manager both in the editorial and business departments.

The *Salt Lake Tribune* next passed into the hands of another management. Three experienced journalists from Kansas took the paper on trial, relieving the original *Tribune* Publishing Company of the heavy burden of their subsidies, which had hitherto sustained it, and soon afterwards that company itself became obsolete.

Mr. George F. Presscott, Mr. Hamilton and Mr. Fred. Lockley were each very able men in their several spheres. Prescott as manager of the paper sagaciously retained in his department George Reed, who had been assistant business manager both of the *Utah Magazine* and the *Tribune* from the beginning, thus retaining the local business acquaintance. It was Mr. Fred. Lockley, however, that gave the marked and pungent anti-Mormon character to the *Salt Lake Tribune*, for which it has become famous in the Gentile mind, infamous in the Mormon mind. But the *Tribune* is read at home and abroad—read by Mormon and Gentile. To accomplish this object was the primal aim of Mr. Prescott and his compeers, and though they much offended the Mormon community, they won golden opinions from the anti-Mormons. Undoubtedly the *Salt Lake Tribune* represents "the irrepressible conflict." In this conflict towards the Mormon Church its potency has resided; but the *Salt Lake Tribune* is also a great newspaper, apart from any anti-Mormon mission; and this is the salient point for notice in a review of Salt Lake journalism.

September 9th, 1883, the Salt Lake Daily *Tribune* passed into the hands of Mr. P. H. Lannan, and Judge C. C. Goodwin as business manager and principal editor. The paper is owned at present by Lannan, Goodwin and Mrs. O. J.

Hollister. Under this new management the *Tribune* has culminated both in potency and editorial ability.

Numerous other papers have started, meantime, since the issue of the *Mormon Tribune*, January 1st, 1870; and the whole class have chosen as a mission to antagonize the Mormon Church. The latest of these is the Salt Lake Evening *Democrat*, March 2d, 1885. Its editor for one week was a Mr. Clark. He was succeeded by Alfales Young under whose editorial impulse the *Democrat* obtained considerable influence among a certain class of our citizens.

The *Deseret News*, which we left at an early date to continue the various lines of our journals, is to-day, as at the beginning, the apostolic exponent of the Mormon community. Its editors have been, first, Willard Richards, one of the Presidency of the Mormon Church, he having been chosen as the second counselor of Brigham Young on the re-organization of the Church after the assassination of Joseph Smith, the founder. Willard Richards was a man of very marked character and an accomplished mind. He possessed considerable education before he joined the Mormon people, and was also naturally a man of intellectual parts. Dr. Richards was the style by which he was known from the origin, nor did even the superior style of President Richards supersede his professional name. Undoubtedly Dr. Willard Richards gave much intellectual toning to the Mormon community; and he may be considered as the proper man to have been the founder of the official organ of the Church, for such the *Deseret News* undoubtedly must rank. The paper from the onset was stamped with Willard's character and influence, and the position he had held first as Joseph Smith's secretary, and afterwards as the second counselor to his dominant cousin, President Brigham Young, gave the *News* the voice of the Church.

Willard Richard's death, in 1854, gave the paper into the editorial hands of Albert Carrington, under whom it was continued. Judge Elias Smith succeeded Carrington. Under Smith's control the *News* manifested much character and independence. His retirement was caused by the publication of an editorial in 1863, which seemed to breathe the tone of the Southern cause, and, though the the article was written by a subordinate, Judge Elias Smith was too much like his cousin Joseph, the Prophet, to shift the responsibility from his own shoulders.

Judge Elias Smith was succeeded by Albert Carrington, who continued the paper till 1867, when the *Deseret News* passed into the hands of George Q. Cannon. Under Cannon the *News* culminated its potency and was made a success as a newspaper as well as a Church organ. Previous to his time the paper had to be sustained greatly by the Church, but Cannon, in 1868, started Joseph Bull to the Eastern States to obtain advertisements from the merchants who held the Utah trade, or desired so to do. Bull carried with him an autograph letter from President Young, and the Eastern merchants saw the commercial wisdom of sustaining the Salt Lake *Deseret News*. The "mission" of Bull to the States was a marked financial result, and thus by a business *coup de main*, Cannon made a business success of the *Deseret News*.

On October 8th, 1865, the Semi-weekly *Deseret News* was started by Albert Carrington, and in 1867, November 1st, George Q. Cannon started the *Deseret Evening News*, continuing also the semi and weekly. During Cannon's adminis-

tration the *Deseret News* Institution became a publishing house. In 1871, he established a type and stereotype foundry in connection with the *Deseret News* Office, and published the first Utah edition—2,500 copies—of the Book of Mormon. He also published an edition of the Latter-day Saint's Hymn Book and other Church works. His editorial assistants were E. L. Sloan and David W. Evans; his business manager, was his brother, Angus M. Cannon.

In 1873, on his return from Europe, David O. Calder was appointed, by President Young, business manager and managing editor of the *Deseret News* Publishing Establishment, George Q. Cannon being then in Congress. Under Calder's administration, the publishing department of the Church obtained a financial prosperity and an efficient business system that entitled him to the full credit of a successful business manager. He remained in this position four years, during which time he published the standard works of the Church, and put the paper mill, connected with the establishment, in a prosperous financial condition. His editorial assistants were John Jaques, David W. Evans and John Nicholson; his assistant business manager, William Perkes.

After the retirement of Calder, the *Deseret News* passed into the hands of Cannon & Young, as publishers, Brigham Jr. being at the head of the business department, and "George Q." of the editorial; this management, however, was rather nominal than real, their assistants in each department being the daily workers.

In the summer of 1877, Charles W. Penrose became the editor of the *Deseret News*, for awhile under George Q. Cannon, but soon his name was raised at the head of the paper as the editor, where it still stands. From its start in June, 1850, to present date, the names thus placed as the representatives of the official organ of the Church are six in number—Willard Richards, Albert Carrington, Elias Smith, George Q. Cannon, David O. Calder, Charles W. Penrose.

During the absence of Mr. Penrose on a mission, Mr. John Nicholson was the practical editor until, towards the close of the year 1885, he was sent to the penitentiary by the decision of Judge Zane, Nicholson being a polygamist. His editorial writings during the eventful period, when it fell his lot to speak for the Church, through its official organ, were very pronounced, and his address to the court previous to the passage of his sentence, won a plain confession from Judge Zane, to the effect "that the said John Nicholson was an honest man, conscientious in his religious persistency, yet an offender in the eye of the law, deserving imprisonment as an example to his people."

The name of Charles W. Penrose still remains at the head of the *Deseret News* as editor, and by the public, both Mormon and Gentile, he is esteemed as the chief journalist of the Church. His assistant editors have been John Nicholson, George J. Taylor, John Q. Cannon, O. F. Whitney, George C. Lambert and James H. Anderson.

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## HISTORY OF FREE MASONRY IN UTAH.

BY CHRISTOPHER DIEHL.

Among the command of A. S. Johnston, who arrived in Utah in 1857, were a few Free Masons, who were desirous to practice in their solitude the teachings

of the fraternity, and for that purpose resolved to organize a Lodge. They petitioned the Grand Lodge of Missouri for a Dispensation, which was granted and under which they opened a Lodge at Camp Floyd, on March 6th, 1859. Under this Dispensation the Lodge worked until the first day of June, 1860, when it received a charter from the Grand Lodge of Missouri under the name of the Rocky Mountain Lodge No. 205. In 1861, the command of Col. Johnston was ordered to New Mexico, and thereby the Lodge was forced to close its labors. It surrendered its charter to the Grand Lodge of Missouri, also all its records, jewels, etc. Every thing was found in perfect order and so much so that the Grand Secretary said of it: "The relationship between this Grand Lodge and her daughter in the then 'Far West' was of a very affectionate character and the same spirit has ever prevailed between her and the former members of the Rocky Mountain Lodge No. 205." Thus ended the first attempt to plant Masonry on Utah soil.

In 1863, Gen. P. E. Connor arrived with two regiments of California volunteers in this city and established Camp Douglas. This attracted the attention of disappointed miners and business men in our neighboring Territory Nevada, who immigrated hither. Some of these were Masons. They considered the advisability of establishing a Lodge in this city, and for the purpose of organizing, assembled on the 11th day of November, 1865, at the Odd Fellows' Hall. Among the assembled Brethren we find the names of James M. Ellis, William G. Higley, Louis Cohn, William L. Halsey, Theodore F. Auerbach, Oliver Durant, Charles Popper and James Thurmond.

A resolution was passed to organize a Lodge, and to petition the Most Worshipful Grand Master of Nevada, for a Dispensation. James M. Ellis was nominated as the first Master, William G. Higley as Senior Warden, and William L. Halsey as Junior Warden. Lander Lodge, No. 8, at Austin, Nevada, recommended the petition. The then Grand Master of Masons in Nevada, Most Worshipful Joseph DuBell, responded immediately to the request and issued his letter of Dispensation for Mount Moriah Lodge, to be located at Salt Lake City, Utah. But to this Dispensation was an edict attached, requiring the Lodge to be careful, and "exclude all who were of the Mormon faith."

The first meeting of Mount Moriah Lodge was held February 5th, 1866. The thousand volunteers in Camp Douglas and the discovery of gold mines in Montana made Salt Lake City lively and business improving; and with this the Lodge prospered. Master Masons gathered around her altar and "good men and true" from the profane world petitioned for the degrees. For a while perfect peace and harmony prevailed, but the above cited edict disturbed the waters from underneath and with it the rolling waves soon showed on the surface.

For three consecutive meetings of the Grand Lodge of Nevada the Mount Moriah Lodge petitioned for a charter, which, however, was refused, and in September, 1877, even the dispensation was recalled. The Mormon question was the cause; some of the members of Mount Moriah wanted to be their own judges and say for themselves whom to admit and whom not; the Grand Lodge of Nevada took a different view of the matter and closed the Lodge entirely.

But the members did not lose their courage, they were still united, and on

petitioning the Grand Master of Kansas for a Dispensation, they received it, and under which they worked for nearly a year. At the meeting of the Grand Lodge of Kansas a charter was granted to Mount Moriah Lodge No. 70, bearing date October 21st, 1868. Among the early members of this Lodge the following well known men in Salt Lake City should be named: Louis Cohn, Sol. Siegel, S. J. Nathan, Henry Wagener, Christopher Diehl, Jos. F. Nounnan, Charles Popper and R. N. Baskin. They are all members of the Lodge this very day and work for its interest and growth.

In 1866 Wasatch Lodge was organized under a dispensation granted by the Grand Master of the Grand Lodge of Montana. The late R. H. Robertson was its first Worshipful Master, and the Lodge prospered under his leadership. In October, 1867, Wasatch Lodge No. 8 was chartered by the Grand Lodge of Montana. Since then this Lodge has done its Masonic work faithfully and well.

Up to the spring of 1867 Mount Moriah and Wasatch Lodges and Utah Lodge No 1, I. O. O. F., met jointly in the upper part of a building on East Temple Street, known as Odd Fellow's Hall. (At present the building is occupied by the mercantile firm of Barnes & Davis.) The hall was anything but inviting; it was small and the ceiling not over nine feet high. It was not suitable for the purposes, and arrangements were inaugurated for new and more elegant epartmenis, which were found in a stone building on the east side of East Temple Street, on the same lot where the Masonic Hall now stands. The three Lodges moved into their new hall in the summer of 1867. In this hall they remained till February 5th, 1872, when the Masons separated from the Odd Fellows and rented a hall by themselves in Trowbridge's building, where they met till November, 1876. The present Masonic Hall, on the third floor of the First National Bank building, was dedicated for Masonic purposes by M.·. W.·. Edmund P. Johnson, assisted by the Grand Lodge of Utah, November 14th, 1876.

The third Lodge in Salt Lake City received a Dispensation from Grand Master Henry M. Teller, of Colorado, and a charter from that Grand Lodge on the 21st day of September, under the name of Argenta Lodge No. 21.

In 1872, these three Lodges concluded to form a Grand Lodge, to which, under the laws of Masonry, they had a right to. A meeting was called for the purpose, and on the 17th day of January, 1872, the Grand Lodge of Utah was organized, O. F. Strickland being its first Grand Master and J. F. Nounnan its first Grand Secretary. At the organization of the Grand Lodge of Utah, Wasatch Lodge No 1 had forty-eight members on its roll; Mount Moriah No. 2, fifty-two; and Argenta No. 3, twenty-four; total, 124.

None of the Lodges were over-burdened with funds and a large increase of members was, under the circumstances, not probable. Let no one think that the founders of the Grand Lodge considered its maintenance an easy work and light task; on the contrary, every Brother knew the importance of the step that had been taken and a close observer could read in every eye that the grave responsibilities resting upon them were deeply felt. At this moment of despondency Brother Robertson arose and delivered, before the final adjournment, a short address to the assembled Brethren, closing with: "Now we launch our little craft upon the great Masonic sea. We doubt not but in the future, as in the past,

storms will arise, the wind will howl, and whistle above, and the troubled waters roll beneath us, but with a steady hand at the helm, with the Bible as our Polar Star, the compass as our guide, and 'Brotherly Love, Relief and Truth,' as our motto, we can wrestle with the contending waves and ride upon their billows. We need never cast anchor for repairs."

During the delivery of the address, which was wholly without preparation, not a breath could be heard in the Hall, but at the conclusion, all went to their feet, joy beamed in every eye, one grasped the other's hand, and with a firm resolution to succeed in the undertaking, parted in peace and harmony.

The Grand Lodge having been firmly established, soon received recognition from all Grand Lodges in the United Stntes, and from many beyond the seas, as the supreme Masonic authority in Utah, and it has up to this day maintained its position as such, and although small in Lodges and membership, is looked upon as one of the best Grand Lodges on the face of the globe.

Since its organization the Grand Lodge has chartered five more Lodges in the Territory of Utah, viz: Story Lodge No. 4, at Provo, October 8th, 1872; Corinne Lodge No. 5, at Corinne, November 11th, 1873; Weber Lodge No. 5, at Ogden, November 12th, 1874; Uintah Lodge No. 7, at Park City, November 24th, 1880; and St. John's Lodge No. 8, at Frisco, January 18th, 1882. These eight Lodges had at the close of the year 1885, a membership of 482, and their cash in the treasuries and value of properties amounted to $20,607. For charitable purposes the Grand Lodge since its organization and the eight Lodges have expended $22,159.50, which shows that the Masons of Utah practice what they teach.

The following is a list of the Grand Masters of the Grand Lodge of Utah since its organization:

O. F. Strickland, R. H. Robertson, Louis Cohn, C. W. Bennett, E. P. Johnson, J. M. Orr, John S. Scott, Thomas E. Clohecy, Frank Tilford, P. H. Emerson, William F. James, James Lowe, Parley L. Williams. On the 7th day of October, 1872, Christopher Diehl was elected Grand Secretary, who has held the office ever since.

### MASONIC LIBRARY.

Soon after the election of Christopher Diehl as Grand Secretary, he formed the idea of establishing a Masonic Library, and devoted himself to collecting books upon Masonic subjects and upon the history of Utah and Mormonism. The Grand Lodge assisted him liberally with funds, so that in November, 1874, there were on the shelves 179 volumes. But this alone did not suit his taste. A general library was needed in Salt Lake City, and in this opinion he found a companion in Grand Master C. W. Bennett, who, in his annual address in 1875, said:

"At present most of our books treat of Masonic subjects, and it would be hard to find a more complete collection. An extension of the plan will soon make the library embrace books of science and general literature, with history, biography and the like. If you will take the scheme to your good Masonic hearts, and fasten it, I can foresee that the time will speedily come when Brethren who may be among us, far from the sacred influences of happy homes, seeking

fortunes in our Rocky Mountain treasure vaults, and our own young men who are liable to the thousand temptations of the frontier life, may be shielded from evil by the kindly influences which our library of the future may offer them. But should you think this, my vision, too highly tinted with the rosy hue, you will agree that every Mason should industriously store his mind with useful knowledge, and that so far as we can, we should encourage all to do so, and render all the aid in our power to that end."

These sentiments of Brother Bennett were the opinion of the Grand Librarian at the founding of the library, and their echo produced the greatest happiness in his heart and mind. But owing to the limited room at the Masonic Hall the suggestion of Brother Bennett, though well received and approved by the Grand Lodge, could not be carried into effect. The five Masonic Bodies at Salt Lake City, in renting their present hall, secured with it a large room on the second floor of the building, designing it for a library and reading room.

With this addition the library project received a new impetus. The former Ladies' Library Association donated, under certain conditions, for our use over nine hundred volumes, and a committee appointed by the Grand Lodge, consisting of Brothers Charles W. Bennett, Frank Tilford and Samuel Kahn, collected in aid of the library from citizens of this city the large sum of twenty-five hundred dollars. New books were immediately purchased, and on the first of September, 1877, the library was open for the use and benefit of the Craft and general public, and kept open two hours every day. At that time the library contained seventeen hundred and sixty-eight books of a general character, and three hundred and sixty of a Masonic character. The library soon became the pride of every Utah Mason, and to the honor of the Wasatch, Mount Moriah and Argenta Lodges and Utah Chapter and Commandery be it here recorded, that each contributed nobly towards its maintenance.

Since its first opening the library has constantly increased. It has added annually from 500 to 700 books, so that it has at the close of the present year, 6,740 volumes of a general character and 772 volumes on purely Masonic subjects. The library loans out for home reading an average of 1,500 books per month, and is visited by about 100 persons daily. The character of the books on the shelves is far superior to many older libraries; the greatest care is taken that none but the productions of the best authors get there. The collection of books on Mormonism, pro and con, and early Utah publications, such as newspapers, magazines, etc., cannot be surpassed by any library on this continent or in Europe. Another specialty is made of books on chemistry and mining for the use of the mining population in Utah. He also claims that it has an excellent collection of books on the early settlement of the continent and histories of America and biographies of its great patriots.

### INDEPENDENT ORDER OF ODD FELLOWS.

The first Lodge of the Independent Order of Odd Fellows instituted in the Territory, was Utah No. 1, which received its dispensation from the Grand Lodge of the United States (now the Sovereign Grand Lodge) on the 4th day of May, 1865, the charter members being R. T. Westbrook, Past Grand; J. M. Ellis, Past

Grand; Willard Kittredge, Past Grand; Max Wohlgemuth, Fred. Auerbach, L. J. Whitney, Charles Popper and Joseph E. Merrill. This Lodge struggled along alone for years, and at one time it was thought the members would have to abandon it entirely. In the early part of 1872, however, an application was made for a dispensation to organize Salt Lake Lodge No. 2, with the following charter members: William Haydon, Past Grand Master, W. A. Perkins, A. Leebes, Past Grand, E. M. Barnum, Past Grand Master, and H. A. Reid. This Lodge was duly instituted on the twenty-eighth day of March, 1872, under and by authority of the Grand Lodge of the United States. In the following year Jordan Lodge, No. 3, was brought to life with the following charter members: William Samson, Julius Jordan, Fred. G. Willis, Alexander Czoniser, George Arbogast and A. J. Kent, Past Grand. This Lodge was duly instituted on the seventeenth day of November, 1873, by the same authority as the preceding Lodges. The order now having been firmly planted, the advisability of forming a Grand Lodge was taken into consideration—the three lodges above mentioned being attached to the Grand Lodge of Nevada for working purposes made it somewhat inconvenient. The following year, 1874, brought Corinne Lodge, No 4, into existence, which was instituted on the 27th of February, when the Past Grands petitioned the Grand Lodge of the United States for a charter to establish a Grand Lodge in this Territory. The petition was received and a dispensation granted, and the Grand Lodge of Utah was duly instituted on the twenty-ninth day of June, 1874, by special Deputy Grand Secretary J. C. Hemingray, Fred. H. Auerbach being the first Grand Master, William Sampson, Grand Secretary, and J. C. Hemingray the Representative to the Grand Lodge of the United States. Since the institution of the Grand Lodge of the Territory, the order has been steadily increasing. At the close of the year 1885, there were eight subordinate or working lodges, namely: Utah No. 1, Salt Lake City; Salt Lake No. 2, Salt Lake City; Jordan No. 3, Salt Lake City; Union No. 6, Ogden; Park City No. 7, Park City; Olive Branch No. 8, Park City; Ridgely Lodge No. 9, Salt Lake City, and Bingham Lodge No. 10, Bingham. These lodges have an aggregate membership of nearly five hundred. They are under the jurisdiction of the Grand Lodge of Utah, which meets annually on the third Tuesday in April. It is formed of representatives from the subordinate lodges, at present numbering forty-two. This grand body has control of the order here directing its affairs.

## KNIGHTS OF PYTHIAS.

On the 15th day of February, 1864, a number of gentlemen assembled for the purpose of organizing or founding a society to be of a secret character, its ultimate object being friendship, charity and benevolence, and on the 16th of February, 1864, the first member of the order took the obligation and oath of brotherhood. The first Lodge and Order was instituted February 19th, 1864, at Washington, D. C.; the first Grand Lodge on April 8th, 1865. The Supreme Lodge of the Knights was organized and established as the head of the order, the 11th day of August, 1868. During the years 1867 and 1868, Lodges were instituted in several States, and it has continued to spread until it has obtained a footing in every civilized quarter of the globe. In August, 1877, at the session of the Su-

preme Lodge, held at Cleveland, Ohio, an Endowment Rank was adopted. The object of this rank is to secure to families of deceased members of the rank a sufficient sum to keep them from immediate want. The Endowment fund has paid to families of deceased Knights in five years, ending March 3d, 1884, $2,135,936. The number of policy holders March, 1884, was 26,947. The Uniform Rank shows a membership of 4,319 Sir Knights. The total membership of the order is 139,230, and they have a surplus in the exchequer of $1,427,624.06.

There are 43 Grand Lodges, 1,866 subordinate Lodges and 82 subordinate Lodges under control of the Supreme Lodge, with a total membership of 139,230. The last report shows that the subordinate Lodges in the Grand jurisdiction have a surplus of $408,904.25, and those under the supervision of the Supreme Lodge, $18,719.81; cash held in the exchequer's hands of the subordinate and Grand Lodges is $1,235,591.61, making a total of $1,427,624.06.

## THE DESERET UNIVERSITY.

In 1850, on the 28th of February, the Legislature of the provisional State passed an ordinance incorporating the University of the State of Deseret. The charter designated Salt Lake City as the location of the institution, and vested its powers in a chancellor and a board of twelve regents, to be elected annually by the joint vote of both houses of the general assembly. A treasurer was also provided in the same way, while the board was empowered to elect its own secretary. The chancellor was made the chief executive officer of the board.

During the same session of the Legislature, the first chancellor, board of regents and treasurer were elected. They were Orson Spencer, as chancellor; Daniel Spencer, Orson Pratt, John M. Bernhisel, Samuel W. Richards, W. W. Phelps, Albert Carrington, Wm. P. Appleby, Daniel H. Wells, Robert L. Campbell, Hosea Stout, Elias Smith and Zerubbabel Snow, as regents, and David Fullmer, as treasurer.

The first meeting of the board of regents was held March 13th, 1850. At this meeting James Lewis was elected secretary, and three members were appointed as a committee to select, in connection with the Governor, a site for the university building, and also locations for primary school buildings.

By an act of the Legislature approved October 4th, 1851, the chancellor and board of regents were authorized to appoint a superintendent of primary schools to be under their supervision and discretionary control, and to award him such salary for his services, at the expense of the Territory, as they might deem expedient; provided, such salary should not exceed one thousand dollars per annum.

On the second Monday of November following its incorporation, the University was for the first time opened for the reception of students under the name of the "Parent School." Doctor Cyrus Collins, A. M., a sojourner in the Territory on his way to California, was employed under the supervision of the chancellors to take immediate charge of the school.

The Parent School commenced on Monday, November 11th, at Mrs. Pack's house, Seventh Ward, under the direction and supervision of Professor Orson Spencer.

The second term of the Parent School was advertised to begin on Monday,

the 17th of February, 1851, in the upper room of the State House, afterwards known as the Council House.

Dr. Collins had retired from the school and Chancellor Orson Spencer and Regent W. W. Phelps assumed the role of instructors. The school opened with about forty pupils. Both male and female pupils were now admitted to the school. The price of tuition had been reduced from eight dollars to five per quarter.

The third term opened October 27th, 1851, in the Thirteenth Ward school house under the same general management and tuition, with the exception that Professor Orson Pratt had been added to the corps of instructors, and that astronomy and the higher mathematics were included in the course of study.

October 4th, 1851, the Legislative Assembly passed an act making it the duty of the chancellor and board to appoint a superintendent of common schools, to be under their supervision and discretionary control, and to award him such salary for his services, at the expense of the Territory, as they might deem expedient; *provided*, such salary should not exceed one thousand dollars per annum. Elias Smith was first appointed to this office, which he continued to hold till July 1st, 1856, when he was succeeded by Wm. Willis, who was then appointed superintendent by the chancellor and board of regents. Mr. Willis continued to act in this capacity until he was succeeded by the appointment of Robert L. Campbell in 1862. Mr. Campbell continued to hold the office under the appointment of the chancellor and board of regents until 1866, when a new, or revised school law left the University without further dictation or control in common school matters.

Owing to the immature condition of the finances of the University and the limited patronage the parent school received, it was discontinued at the close of its fourth term in the spring of 1852. From that time until December, 1867, the University had no department of instruction or school specially its own.

On the 27th of November, 1867, Mr. David O. Calder was elected by the board of regents to reorganize the department of instruction and to act as its principal. The school was opened the following month, December, and conducted chiefly as a commercial college till in February, 1869, when Mr. Calder resigned his position as principal. At a meeting of the board of regents held on the 1st day of March following, Doctor John R. Park was elected to succeed Mr. Calder in the management of the school and as its principal.

Under the superintendence of Doctor Park, the school was reorganized on a new and more extensive basis, including in its curriculum of studies, scientific and classical instruction. The school opened for the reception of students March 8th, 1869. Five courses of studies were provided; namely, preparatory, commercial, normal, scientific and classical. The school opened with encouraging patronage, the number of students amounting to two hundred and twenty-three during the first year, or rather for a semester of two terms, ending in July. This patronage was divided chiefly among the preparatory, the commercial and the scientific courses. The classical course received but a limited patronage, being too advanced in general, for any preparation found among the students, and the business of teaching had not attained sufficient prominence as a profession, or a permanent or profitable calling, to encourage many to make it an object of special training.

The University had nearly five hundred volumes of books. Though these were not select nor standard in their character, yet they served as a nucleus of a library. To this collection, Doctor Park added his private library, consisting of two thousand standard and miscellaneous works, which, together with those of the University, at the beginning of the academic year, in the fall of 1869, were made accessible to the students of the University.

The private cabinet of Dr. Park was also placed at the service of the institution and proved a valuable adjunct to illustration in the department of science.

At the beginning of the second year, a model school, as it was called, was organized with the double purpose of supplying a graded course of study, that might fit pupils for entering the more advanced courses in the institution, and to afford the means of exhibiting the best methods of teaching, discipline and classification in connection with the normal course of the University. The model school was divided into three departments, a primary, intermediate, and academic, having three grades each. It proved to be a valuable adjunct to the University.

The number of students was more than doubled the second year, aggregating 546, of whom 307 were males and 239 females. At this time a literary society, the *Delta Phi*, was organized among the students, having for its object a theoretical and practical training of its members in oratory, debate, declamation, composition, parliamentary rules and order. Also a literary journal was published this year by the students, named the *College Lantern*.

During the third academic year, 1870-1, the number of students of the University had increased to 580' with a slight excess of females.

On the 15th of September, 1876, the school was removed from the building it had occupied since 1867, known as the Council House, to a building in the Seventeenth Ward, of the city, known as the Union Academy building, where it continued till the fall of 1884.

The normal department of the University, established in 1875, immediately grew into popular favor and became in every way a success. Thirty-six graduates received diplomas the first year. In 1879, a successful effort was made to re-establish a graded or model school under the auspices of the University, in connection with this department.

At the session of the Legislature in 1879-80, an effort was made by the chancellor and board of regents to secure an appropriation with which to purchase suitable grounds, and to erect thereon a building for University purposes. The effort was partly successful, and the sum of $20,000, was appropriated for the objects named. This amount being scarcely more than sufficient to purchase the necessary grounds, an appeal was made to the municipal council of Salt Lake City for aid in this direction. The result was a generous donation to the institution for University purposes of the finest public square in the city.

The appropriation from the Legislature, or the greater part of it, was immediately expended towards the erection of the new building, which it raised to the height of the basement story. It was confidently expected that an amount sufficient to complete the building would be appropriated by the Legislature at its next session in 1881-2, but a bill for that purpose failed to receive the Governor's

approval. By loans and voluntary contributions from citizens, a sufficient amount was raised to erect the entire walls and roof the building in, and to prepare two rooms in it to accommodate a large class of students during the winter of 1883-4. It was again hopefully expected that a legislative appropriation would come to the relief of the institution in 1883-4, and not only reimburse those citizens who had so generously contributed to aid the institution, but to provide a sufficient fund to complete the structure. Executive disapproval, however, of a bill for that purpose again left the school without its much needed support. A portion of the new building, however, was put in a condition to be occupied by the school at the beginning of the academic year, 1884-5.

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## HOT SPRINGS.

The Hot Springs, situated four miles from Salt Lake City, is probably the most wonderful spring in the world on account of its medicinal qualities. It is the essence of mineral water itself. The spring furnishes three hundred gallons per minute. It oozes out of a bluff of rocks and runs thence into the Hot Springs Lake, which is a beautiful sheet of water, three-quarters of a mile in width by two miles in length, averaging a depth of three feet; and it is well stocked with fish. The lake is a distance of about two hundred yards from the spring, and a little nearer the D. & R. G. and Utah Central railroads, as well as the county road leading from Salt Lake City to the northern country.

The facilities for bathing in the Hot Springs baths are superior to any in the West. There is a plunge bath 30 by 75 feet, erected with commodious dressing rooms. There is also a large private plunge bath, 40 by 80, with twelve private plunges, 10 by 10, with nicely furnished dressing rooms connecting with the plunges. These are in constant use for ladies, families and invalids; and besides these there are a great number of top baths.

The hotel accommodations are first class in every respect, and, no doubt, in a short time, it will be constantly crowded with visitors to these already famous baths; and invalids from all parts of the world will find, for awhile, a restful home at Beck's hotel, with restoration of health and prolongation of life, through the medicinal virtues of his Hot Springs baths. Already wonderful cures have been effected by bathing in and drinking of these waters, especially in rheumatism, paralysis, kidney complaints and skin diseases.

The bottling of the water is one of the great features of the Hot Springs establishment. The finest bottling machinery in Salt Lake City has been put in a very commodious building, at the Hot Springs, for the bottling of the mineral waters in the shape of a seltzer and Hot Springs' ginger ale, as well as soda water, sarsaparilla and various kinds of mineral water, which supersedes in quality any mineral waters that have been put upon the market. As far as Beck's bottled preparations of the Hot Springs waters have been tried, they meet with universal approval, and orders are being sent in daily from all directions East and West. Thus prepared, the waters are very palatable as a beverage, both as a table water and for medicinal purposes.

Up in the hills, half a mile from Beck's Hot Springs establishment, there is a beautiful cold spring, which is piped down to the bath, furnishing delicious fresh water, cold as ice.

The whole grounds of the Hot Springs is a natural pleasure resort, provided with every facility for recreation and health. Six flowing wells have already been struck and are used to irrigate lawns and shade trees, which have been planted out by the thousands. On the lake there are a number of row and sail boats, which add to the picturesque view of the scene and surroundings, and give variety and zest to the pleasures and revivification sought by visitors to this already famous suburban resort of our city.

And connected with Beck's establishment proper, besides the accomodations already named, there are commodious shades erected with dancing floors for dancing and excursion parties. On the premises are a bar room, lunch stand, billiard tables and refreshment arrangements in general.

For accommodation of visitors to the Springs a livery stable has been opened at Salt Lake City especially for the Hot Springs traffic, and a line of coaches, buggies and carriages are running every hour of the day regularly to and from the Springs at twenty-five cents the round trip. The regular trains to and from the city also stop at the Springs.

Taking into consideration the wild nature of the surroundings of those Springs six months ago, when Mr. John Beck purchased the property, a wonder has been wrought. A city has already been started, and a vast amount of money has been spent in improvements. This place will be the coming sanitarium of the West; for no doubt the Hot Springs is destined to become one of the principal resorts of America, on account of its altitude and the wonderful Salt Lake, which is situated only four miles from the Springs, from which a canal to the lake has been opened for boarders at Beck's Hot Springs hotel.

That which has been accomplished at the Hot Springs location, in the short space of these six months, by Mr. Beck and his aids, greatly interests the public in the prospective growth and permanent fame of the place. It is evident that our enteprising citizen is infusing into this Hot Springs adventure, similar expansive ideas and purposes that have made him one of the foremost in the mining operations of our Territory. He has designed a large number of cottages fot families visiting these Springs for their health; and they are now in process oi erection. A large hotel, on the latest improved style, will also be erected on an elevated piece of ground, which will afford a grand view of the Great Salt Lake and the surrounding country. Thus is the prospect daily expanding; and the Hot Springs pleasure resort bids fair to be known far and near, not only for itf healing waters and its revivifying influences generally, but as a beautiful suburban village of the parent "City of the Great Salt Lake."

## THE UNION NATIONAL BANK.

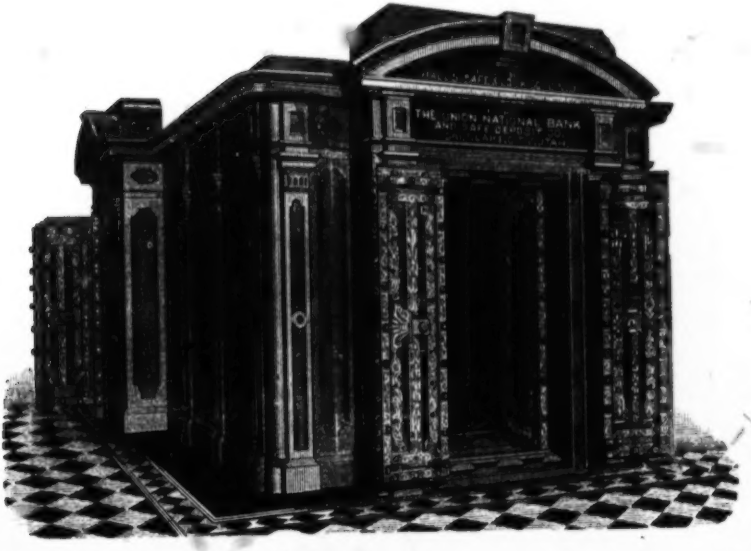
The Union National Bank is the natural outgrowth of the once familiar bank of Walker Brothers. In the early days of Utah's history many banks were opened from time to time, and in the course of events one after another closed from the chief fact that the originators were not actual residents of the Territory; while they had certain business to watch and care for, their real homes and interests were outside of the Territory, and the natural result was that the banks started by men who were not thoroughly identified and their whole interests centered in Salt Lake and the various enterprises of the Territory, when the time came they silently folded their tents and stole away. The conditions were different, however, with men whose aims were to found a home and to become first and foremost in all of the pursuits and enterprises of a growing country, and developing its resources; men who were not afraid to risk their capital, expend their energies in the opening up of the industries of this vast domain of our country. Such men were the founders of the house of Walker Brothers.

From a mercantile business they branched into a private banking business, also put in capital in a liberal and lavish manner, for the development of Utah's greatest wealth, the mines; and, as is well known, they first made it possible to work the mines of Utah by opening up a market in a foreign country for the first ores extracted in quantities, at a time when there were no reduction works for silver-lead ores in the United States. After a successful business career of a quarter of a century the house of Walker Brothers, including their immense business of banking, mining and mercantile and its various branches, concluded to wind up and go into liquidation and divide up their capital. Ambition and the natural aim of mankind, however, to be doing something, was not yet dampened in the breasts of some of the members of the firm and a desire to perpetuate a business laid on so sure a foundation caused some of them to organize a National Bank, with ample capital; hence it is seen that while the Union National Bank is comparatively a new institution, organized February 19th, 1885, under the National Banking Act, yet its foundation was commenced twenty-seven years ago, when the Territory was young, far away from civilization, and it may be said that the growth of the Territory and of the subject in hand went side by side.

In fact such is history, whether applied to animate or inanimate subjects. An institution like the Union National Bank, having such deep root, is sure of success and commends itself silently and surely to all. When the bank was contemplated, not only financial strength was considered, but science and mechanical skill was brought to bear to make it safe against the common enemies of all moneyed institutions, and that is, burglars and thieves. The result was the erection of immense Safe Deposit and Bank Vaults for the use of all who desire to avail themselves of a place to deposit their money and valuables. Hundreds of boxes of various sizes and suited to the wants of the poorest and richest, wherein to deposit their treasures in safety and known only to themselves. These vaults were

THE SAFETY DEPOSIT VAULTS

OF THE




# Union National Bank.

built at great expense and are absolutely fire and burglar proof, seventy-five tons of iron and steel alone being used in the construction, besides a vast quantity of brick and cement to make the same fire proof. There are none safer or built on more scientific principles than these vaults in the United States; not only the vaults but the banking rooms are models of beauty and a gratification to any one to look at.

The Union National, while new in name is old in growth, and ranks with its sister banks throughout the country and enjoys its merited share of patronage, not only locally but abroad, and also being the United States Depository for its funds in the Territory of Utah. The accompanying plate, showing the exterior, gives some idea of the massiveness and construction of the vaults, and to be thoroughly appreciated it must be seen and examined. The people will appreciate these safety deposit vaults in time and use them for the storage of notes, bonds, mortgages, wills and other papers as well as diamonds, jewelry and valuables of all kinds.

The Union National Bank has a capital, fully paid, of $200,000. It transacts a general banking business, and solicits accounts of banks, bankers, manufacturing firms, merchants and private individuals. It receives collections upon all accessible points, and the returns are promptly made as directed. It gives special attention to the sales of ore and bullion.

Its correspondents are:

New York, Importers' and Traders' National Bank; Chicago, First National Bank; Omaha, Omaha National Bank, Commercial National Bank; Denver, German National Bank; Helena, First National Bank; Butte City, First National Bank; San Francisco, Bank of California; St. Louis, State Savings Association.

It draws exchange on all the leading cities of Europe, including London, Dublin, Edinburg, Glasgow, Paris, Havre, Bordeaux, Boulogne, Genoa, Berne, Lucerne, Zurich, Florence, Milan, Naples, Venice, Antwerp, Brussels, Luxumbourg, Amsterdam, Rotterdam, Christiania, Bergen, Stavanger, Gothenburg, Stockholm, Malme, Copenhagen, St. Petersburg, Wien, Trieste, Prague, Carlsbad, Cadiz, Madrid, Seville, Lisbon and Oporto, besides all the German States.

Officers: Joseph R. Walker, president; Matthew H. Walker, vice-president; Benjamin G. Raybould, cashier.

Directors: Joseph R. Walker, Samuel S. Walker, Matthew H. Walker, Benjamin Raybould, Morton J. Cheesman, Joseph R. Walker, Jr.

## THE DESERET NATIONAL BANK.

The bank known now under the above denomination commenced business May 9, 1869 as the banking firm of Hooper, Eldredge & Co. The firm was composed of William H. Hooper, Horace S. Eldredge and Lewis S. Hills; and it started with a paid up capital of $40,000. On the first of September 1871, the firm of Hooper, Eldredge & Co. was succeeded by the Bank of Deseret, organized under the Territorial laws with $100,000 capital stock and a Board of Directors as follows:

Brigham Young, (President); William H. Hooper, Horace S. Eldredge, (Vice-President); William Jennings, John Sharp, Faramorz Little, Lewis S. Hills, (Cashier).

On November 1st, 1872, the Bank of Deseret was succeeded by the Deseret National Bank organized under the National Bank act of the U. S., with a capital stock of $200,000. The officers and board of directors were the same as in the old organization. April 1st, 1873, Brigham Young resigned the Presidency of the Bank, retaining his Directorship. He was succeeded in the presidency by William H. Hooper. On the 1st of January, 1878, George Q. Cannon, was elected Director to fill the vacancy caused by the death of Brigham Young. January 13th, 1880, Nicholas Groesbeck was elected Director to succeed the Hon, George Q. Cannon, who was absent from the Territory filling his public duties as the Utah Delegate to Congress.

Wm. H. Hooper died December 30th, 1882, and was succeeded by Horace S. Eldredge as president. January 15th, 1886, William Jennings died, and he was succeeded by Feramorz Little as vice-president.

The present Board and officers are—

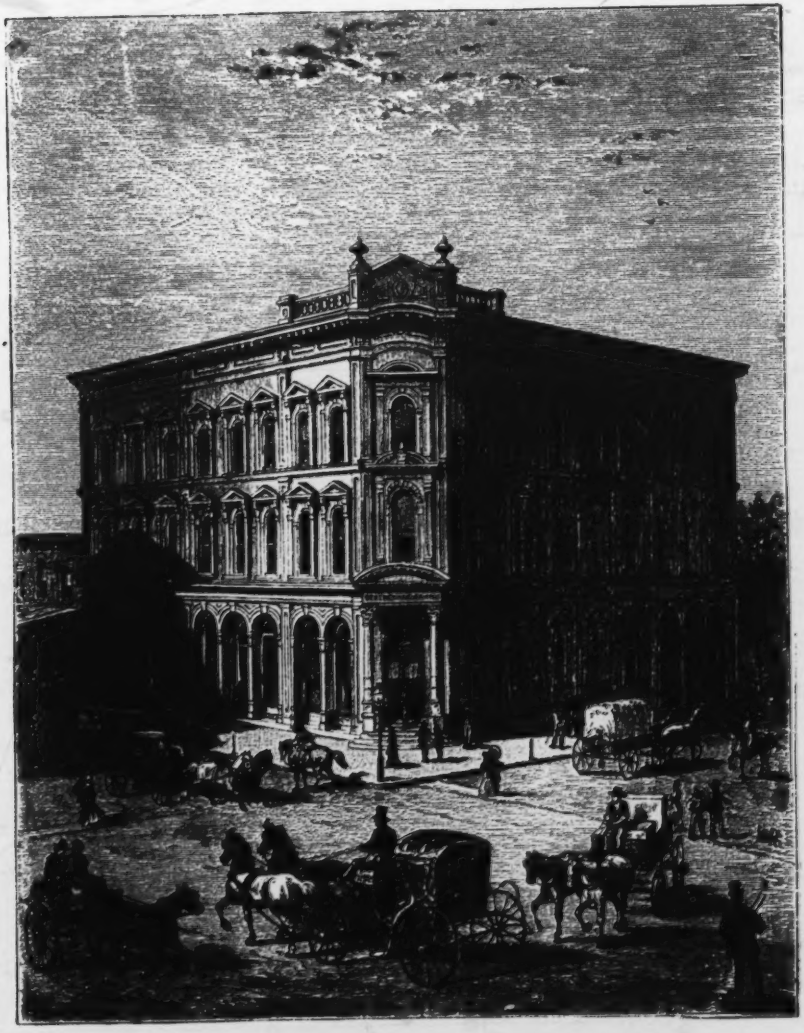
Directors: Horace S. Eldredge, president; Feramorz Little, vice-president; John Sharp; Wm. W. Riter; J. A. Groesbeck; L. S. Hills, Cashier; J. T. Little, Assistant Cashier.

The Deseret National Bank was U. S. Depository from 1881 to 1886.

Financial statement:

Capital, $200,000; Surplus Fund, $200,000. Deposits average $1,000,000. Dividends 5 per cent. per quarter.

There is no necessity to dwell lengthily upon the financial stability of the Deseret National Bank nor upon the efficiency of its Directors and Executive department. The names of the Directors and officers personally represent probably three million dollars of capital, for none of the men are speculators and their means are nearly as valuable as ready money. This banking institution of Zion, therefore, may be esteemed as one of the solidest in the United States. So far as its name—Deseret National Bank—signifies, it represents the Mormon community.



DESERET NATIONAL BANK,

SALT LAKE CITY.

## THE ONTARIO MINE.

The Ontario Mine was discovered by Herman Budden. Budden was an Austrian by birth, was in his youth a sailor, and, following the crowd, he found himself at last in California. He exchanged the changing billows of the sea for the unchanging billows of the mountains. As a miner he roamed over the hills of the Golden State and the Silver State for years, and at last found himself in Utah about the year 1872, drawn, doubtless, by the tales of the great Emma and by the rumors of other marvellously rich finds in the Territory. He drifted to Parley's Park and for a long time roamed the hills in that vicinity without success. One day, returning from a barren prospecting jaunt, his eye caught a knob of rock that jutted out from some croppings. He stopped and with his prospect pick broke off a splinter from the knob and passed on. But when a little way off the thought struck him that the rock where he broke it had a mineral look; so he returned and made a closer examination, which more and more impressed him, and there, on that 19th day of July, 1872, he located 1500 by 200 feet of ground and christened it "The Ontario." Going to camp he told his partners—all miners have partners—that he believed he had found "something worth sinking upon," and next morning they went to work. This was the preliminary work on the great mine. The humble prospectors were working on the crest of a silver vault which contained millions of treasure, but their eyes were darkened, for only a small portion was to be for them. When they had sunk six feet, the orebody holding out and widening, they offered the prospect for $5,000. There were no purchasers, so the work was continued, and, as the prospect showed better and better, they continued to advance the price until Al. Guiwits and others were drawn to it and secured a fifteen days' bond on the property for $30,000—that is its owners gave a writing that if Guiwits within fifteen days from that date paid them the sum of $30,000 they agreed to deed the property. At this time the ledge was stripped one hundred and ten feet in length and was sunk in places to the depth of eight feet. Before this, however, Mr. Marcus Daly—now the bonanza king of Montana—who had seen the prospect had told Mr. Geo. Hearst of San Francisco—now Senator Hearst—who at the time happened to be in Utah, that he ought to go out and see the Ontario, that it seemed to him "a good looking prospect." Hearst visited the claim, which was then opened only by a cut six feet long and three feet deep, took some specimens and went to Salt Lake City. At that time R. C. Chambers, who was managing the Webster and Bully Boy mines in Marysvale District, in the interest of Hearst and himself, went up to Salt Lake to meet his partner, and Hearst mentioned to him that he had better look at "that little thing" called the "Ontario" at Parley's Park. Chambers did look and his practiced eye at a glance took in the possibilities of the find. He began quiet negotiations for a purchase, but in the meantime it was discovered that he was the friend of Geo Hearst, and the owners at once raised the price so high that Chambers retired from the field. But he never relinquished his purpose. He picked

up a friend and sent him as a stranger to secure the property. In the meantime the bond to Guiwits had been given. By careful management the stranger secured a bond for ten days, to take effect at the expiration of Guiwits' bond, and on the 24th of August, 1872, the prospect was purchased by Hearst and Chambers for $30,000. Twelve days later Chambers, with a force of fifteen men, began work on the mine, and that work has never stopped for a moment since, and never has had any other superintendent than R. C. Chambers. The first work was to build a log cabin: the first nights superintendent and men slept under a pine tree on the ground, but never had sleep been sweeter than that which came to the superintendent there. For just twenty years had he battled for a fortune in the West, and now he felt in every nerve of his body that the anxiety was over and that his fortune was secure. No one knows the benediction of that thought who has not experienced it. There is enough in it to make the ground more elastic than a spring bed; to make the stone which does duty as a pillow seem softer than down.

But while the anxiety was over, he knew that the work was but just begun. He knew that he was on the crest of a mountain 8,000 feet above the sea, that there a mining plant must be established, that a stubborn mine and evidently a wet one—for it was in quartzite and quartzite fissures are invariably great water carriers—was to be opened and worked. But his heart was light, for work never kills. It is only care of the heart-breaking kind that does that. Slowly and cautiously he proceeded, every new development showing a greater and greater property. In November the surveys for a patent were made and the patent secured in September, 1873. In January, 1874, under the old law, the mine was incorporated in San Francisco. The capital stock was placed at $5,000,000, in 50,000 shares, with J. B. Haggin president and treasurer, Wm. Willis secretary, R. C. Chambers, superintendent, and Haggin, Hearst and others directors. No stock, however, was issued. In the meantime $180,000 had been expended upon the mine and only $41,000 had been returned from the mine from ores that had been sold. But the ore had accumulated to a great mass and many breasts of ore, ready for stoping, had been exposed, so the old McHenry mill, of 20 stamps, was leased and set in motion. The mill was a wet crushing mill, adapted only for free milling ores. From the surface the Ontario ores have been rebellious: the mill was not adapted to its reduction; it was moreover an old mill requiring continued repairs and all the results were unsatisfactory. After a fair trial it was given up and the Marsac Mill was leased. This was also a wet crushing mill, and not to exceed 80 per cent. of the precious metal in the ore could be saved in it. Still, in these two mills, 16,000 tons of ore were reduced and $900,000 was saved. In 1876, the mine had so greatly developed that a new incorporation was decided upon, with capital stock and shares doubled. In the meantime the Ontario had grown famous. While this work was going on the Ontario mill had been placed under construction. In the building of it every resource of the inventor, engineer and mechanic, D. P. Bell, assisted by the experience of the Coast, was exhausted, and the consequence is that it is still hammering away and doing as good work as any mill on the continent.

The pay roll of the mine for labor, which begun at $1,140 per month, has

increased to $50,000 per month, until 2,000 people draw their daily support directly from mine and mill. The outside expenses, which were less than $500 at first, have increased until during some months $60,000 has been paid, which has supported quite as many more people. Thus the mine is a providence to all the people near it.

It is hard to describe the work which has been necessary to keep this property going. The water very near the surface began to be a troublesome factor. Steam pumps were resorted to, at first six inch Knowles pumps. As depth was attained the flow of the water became stronger and more pumps were ordered. At length, seeing that it was only a question of time when the mine would have to be abandoned because of the water, unless something more effectual was done, a tunnel was commenced to tap the vein 600 feet deep. That tunnel was driven 5,765 feet to the shaft, at an expense of $22 per foot, and though driven night and day it required two years to complete it. The water meantime increased until it discharged 7,000 gallons per minute. The pumps were increased in size and number until the manufacturers made, expressly for the company, larger pumps than they had ever manufactured before, and twenty-three of these pumps were ceaselessly at work to drain the river which flowed into the fissure. Fearing that the water would flood the mine before the tunnel could be completed, a three compartment shaft was begun and a Cornish pump of 20-inch plungers and 10-foot stroke was got in position and the great shaft was driven down as swiftly as possible. It was a life and death struggle with the water for the possession of the mine, but pluck and money won the battle. The tunnel reached the shaft and drained the mine to the 600-foot level, and the water below that was but play for the great Cornish pump. The machinery is now prepared and in position to sink 3,000 feet. The mine is opened 1,000 feet deep and has paid in dividends up to this writing—July 18th, 1886—$7,000.000. The main ore chute of the Ontario is 1,400 feet in length of continuous pay ore. No other such ore chute was ever found in all the history of mining. As no one has ever yet seen an ore body that was not as deep as it was long, the future of the Ontario for many years is assured. Inasmuch, too, as the water is under perfect control, the expense of working in future will be greatly lessened. It is altogether a wonderful mine. When Haggin, Tevis and Hearst advanced the first $30,000 purchase money they looked upon it as purely a gamble. They have received that money back two hundred times and every month the mine pays in dividends more than double what it originally cost. The chief owners are wide awake enterprising men, the proof is that since the purchase of the Ontario they have spent more than $1,000,000 in prospecting and mining in other districts in Utah and Idaho. The yield of the Ontario has been over $15,000,000 and the mine has paid in dividends over $7,000,000.

ROBERT CRAIG CHAMBERS.

It is said that a shepherd boy, tending his flock high up among the cliffs of the Andes, one day saw something glittering in the rocks, and, prying it out, carried it to the owner of the flock, who pronounced it silver. The boy had taken it from the outcrop of what proved to be the famous Potosi ore channel

which, in the next 250 years, gave to the world $2,000,000,000, and which still yields $2,250,000 per annum. What the shepherd boy was to the Potosi, Herman Budden was to the Ontario. Doubtless in the old Spanish archives will be found the name of some man who took charge of the lofty mountain crest; built roads to it; opened it out, gave to it a working system and made it a success; fighting all obstacles until he triumphed, enriching his company and giving to Peru world-wide fame. What that man was to the Potosi ore channel, R. C. Chambers has been to the Ontario, and a history of the Ontario without a notice of Chambers, would be the play of Hamlet with the Prince omitted. Mr. Chambers was born in Lexington, Richland County, Ohio, January 16, 1832. His family came from Scotland shortly after the Revolution. He grew up, trained to work from childhood, and through that work acquired the discipline and self-reliance necessary to a life-work. When but a lad he determined that there was not more than enough in the family heritage for his brothers and sisters, and so he bade them good bye, and turned his face to the far West. He crossed the Plains, going by the Soda Springs route, and reached Sacramento, California, in July, 1850. He at once turned to the mines and did his first work as a miner on Mormon Island, American River. The next year he followed an excitement to the Upper Feather River mines, in Plumas County. He lived in Plumas eighteen years. There he met Judge Goodwin, the accomplished editor of the Salt Lake *Tribune*, between whom and himself there was formed a lasting friendship. He went there as a miner. When his sterling worth began to be understood he was elected and re-elected sheriff, serving two full terms; then he employed his means in merchandizing—that is he sold goods to the miners and bought their gold dust—later he engaged in both quartz and placer mining until 1869, when he closed up his business and moved to Nevada. He wandered that State over but could not find what he desired; he extended his search as far as Helena, Montana. He finally made an arrangement with George Hearst, and, as stated above, was managing the Webster and Bully Boy mines in Southern Utah when the Ontario was discovered and purchased. Since then his life has been a part of that enterprise. His ability as a mining manager is consummate. He ranks with the foremost mine managers of the Coast, and in their field they have distinct personalities, as much as Vanderbilt, Gould, Huntington and Garrett have as railroad managers. He has a large, evenly poised head, most prominent in the organs that give a man endurance, tenacity of purpose, clear sagacity, administrative ability, and that judgment which supplies faith and self-reliance. He has a strong face, which indicates clear judgment, always under the restraint of the original Scotch caution which has come down from his far-back ancestors. He is one of the most of approachable of men, and has not changed in face or manner for twenty years. His monument is the Ontario Mine. A visit to it shows what R. C. Chambers is better than any pen picture can. When we say that he started across the plains a poor boy and by his own energies and character has accomplished what he has, it is not worth while to extend the description, for the naked fact carries with it the full story of the courage that falters not; the industry that never flags; the judgment that never proves false; the self-reliance that is enough to control stormy men above ground and rivers of water

below, and the tenacity of purpose which holds on when hope and faith are both ready to faint under the burdens put upon them.

It would be a curious study to try to analyze through what preparation a man is best fitted to bring out all that is latent within him. Of course discipline is necessary; a knowledge of business and of men is necessary to the carrying forward of a great enterprise. But in the case of Chambers it is not improbable that his life in Plumas County was worth to him more than so many years in the schools would have been. The high sierras are a wonderful inspiration to a young mind. Especially was it so in the old flush days. In no place is the mighty mountain range more imposing than in Plumas County. The heights are tremendous; the rivers are torrents rushing through gorges, the valleys and the forests that crown the hills are wonderfully beautiful. Everything carries with it a sense of largeness and power and man grows brave in the presence of the brave pictures that nature paints. The roads are all grades built on dizzy mountain sides; where the hills become so precipitious that roads are impracticable, trails are substituted; in winter, in the old days, there was no communication with California's lower valleys except by snow shoes or dog sleds, and at times a mountain storm would rock those heights like an earthquake; filling the canyons with thirty feet of snow and causing the great pines to toss their giant arms as waves are tossed by the winds, and, as waves roar when in fury they meet a headland, so the gale, making those pines its harp strings, would fill the nights with a diapason as deep and awe-inspiring as Niagara.

Every day there were new discoveries of gold reported on some river bar, or gold quartz on some mountain crest; every day there were calls upon the people's charities to help some one who was ill, or who in the battling forces around him had become cowed and had ceased to try; there were free lessons supplied of every phase of human life and there were incessant calls upon every latent resource of brain and heart. At the same time hope was ever whispering in eager ears and failures did not daunt brave souls, for the belief was omnipotent that the evil spell could be exorcised; that the misfortunes of to-day would make a theme for jest in the fruition of the morrow.

In summer it was incessant toil; in winter the brightest spirits which all sections of the Union and of foreign lands could supply, mingled together there. O, what stories were told; what songs were sung; what hearts of gold drew inspiration from each other; what other life had ever half so much of pathos and of excitement!

The outcome of such a school meant for those who could battle successfully against its hardships; its joys; its enchantments and its temptations, cool and steady brains. All the great miners that we know of took lessons in a school like that. They early absorbed some of the grandeur, the hope, the pluck the endurance, the patience and the discipline which high mountains give as an inheritance to the children who love them. Equipped with this schooling, R. C. Chambers entered the desert looking for something large enough to meet the demands of his ambition. He found it, and his work on the Ontario shows how high he graduated in the mountain school.

## JUDGE C. C. GOODWIN.

The Salt Lake *Tribune* is a great newspaper. Published one thousand miles from the Missouri river and nearly as far from San Francisco, it each morning presents the news from all parts of the world.

Its local page is bright, sparkling and keen, and all of its departments are well sustained, but what has given it fame and influence, is its clear, strong and incisive editorials. These have made it an authority to the Gentile population, and caused it to be known throughout the land. They indicate that upon its force, are men of brains, and that its destiny is shaped and guided by a master-mind. We therefore call attention to one of the leaders of thought upon the Pacific slope, and one of the truest friends, and a brave man, Judge C. C. Goodwin, editor-in-chief and part owner of this well known paper. He was born in the Empire State, that grand commonwealth, that has given so many great men to the world. He is 54 years of age, and in 1852 he located at Marysville in the State of California. He first embarked in the lumber business, afterwards he taught school, and devoted his spare moments to the study of the law.

In 1859, he removed to Plumas County, that region of lofty pines and giant mountains, where he was admitted to the bar. In those days men's occupations were sometimes manifold, and while young Goodwin followed the practice of the law, he also turned an honest penny in mercantile pursuits. In 1860 he removed to Washoe, near Virginia City, Nevada, and there he was elected and served a full term as district judge. He was also a prominent and influential member of the constitutional convention of that State. He was interested in the development of the mineral resources of Nevada, and to him belongs the credit of building at Eureka the first smelting furnace. This venture proved a success in every way. In 1874 he became associate editor of the Virginia City *Enterprise*, which was then owned by the bonanza kings, Sharon and Mackay. He occupied this position until 1880, when he removed to Salt Lake and took charge of the *Tribune*.

Judge Goodwin has a charming wife and a family of two children. He is naturally modest and retiring and possesses a genial and kindly nature. He is a hater of shams and is fearless and outspoken. Socially he is exceedingly pleasant and entertaining. He has an inexhaustible fund of anecdote, gathered from the rich and varied experience upon the Pacific coast. He is a charming after dinner talker and is always the life of the social circle. As a writer he is exceedingly versatile. His style ranges from the bitterest sarcasm to the tenderest pathos. At times he seems to write with gall, and again with the tears of children. Running through all his lines there is a vein of poetry. No matter how rough and broken the groundwork of his composition may seem, there is always to be found the vein of pure gold. It is no wonder that this is so. His life has been spent amid men and scenes that bring out the poetry in one's nature. He has slept under giant trees and watched for the coming of the sun over craggy

peaks. He has lived the wild romantic life of the miner. He grew up in the golden days of the Golden State. He has wandered amid the solitudes of nature and listened to God's voice in the fir trees branches or the thunder that reverberated from crag to crag. He graduated with the highest honors from the great university of nature, and her lessons shine through his every thought. One of the most beautiful lyric gems in the English language is a poem from his pen, which first saw light in *The Inland Empire*, published at White Pine, Nevada, in 1869. It is so well worthy of preservation and illustrates Judge Goodwin's genius so admirably that we submit it herewith :

### THE PROSPECTOR.

How strangely to-night my memory flings
From the face of the past its shadowy wings,
And I see far back through the mist and tears
Which make the record of twenty years;
From the beautiful days in the Golden State,
When Life seemed taking a lease of Fate;
From the wond'rous visions of "long ago"
To the naked shade that we call "now."
Those halcyon days; there were four with me then—
Ernest and Ned; wild Tom and Ben.
Now all are gone; Tom was first to die;
I held his hands, closed his glazed eye;
And many a tear o'er his grave we shed,
As we tenderly pillowed his curly head
In the shadows deep of the pines that stand
Forever solemn, forever fanned
By the winds that steal through the Golden Gate,
And spread their balm o'er the Golden State.

And the others, too, they all are dead;
By the turbid Gila perished Ned;
Brave, noble Ernest, he was lost
Amid Montana's ice and frost;
And Bennie's life went out in gloom
Deep in the Comstock's vaults of doom.
And I am left, the last of all.
And as to-night the cold snows fall,
And barbarous winds around me roar,
I think the long past o'er and o'er—
What I have hoped and suffered, all,
From the twenty years roll back the pall
From the dusty, thorny, weary track,
As the tortuous path I follow back.

In my childhood's home they think me, there
A failure, or lost, till my name in the prayer
At eve is forgot. Well, they cannot know
That my toil through heat, through tempest and snow,
While it seemed for naught but a portion of pelf,
Was more for them, far more than myself.

Ah well, as my hair turns slowly to snow,
The places of childhood more far-away grow;
And my dreams are changing; 'tis home no more
But shadowy hands from the other shore
Stretch nightly down, and it seems as when
I lived with Tom, Ned, Ernest and Ben.

And the mountains of earth seem dwindling down:
And the hills of Eden, of golden crown
Rise up, and I think in the last great day,
Will my claims above bear a fire assay?
From the slag of earth and the baser stains
Will the cupel of Death show of precious grains
Enough to ensure me a welcome above,
In the temples of Peace, in the mansions of Love?

The history of this poem will be seen in the following correspondence between editorial gentlemen:

"A LITERARY GEM."

"*To the editor of the Examiner:*

"SIR.—I found the enclosed fragment some years ago at Kanagawa, Japan. It had evidently been copied in a California paper that had wandered over to the far East, and was handed to me by an Englishman, who asked me if I had ever read it complete. I think it is a lyric gem and should be saved from oblivion. With the hope that some of your numerous readers may have and will publish a full copy of the original, I ask that you print it in the *Examiner*.

"JEREMIAH LYNCH."

—*San Francisco Examiner, June 20th.*

"THE PROSPECTOR."

"*To the editor of the Examiner:*

"SIR.—Through the columns of your paper, with your permission, I will inform your correspondent, Jeremiah Lynch, that the 'literary gem' of a poem entitled 'The Prospector,' which first saw the light of print in the *Inland Empire*, published at Hamilton, White Pine County, Nevada, is the production of C. C. Goodwin, now editor of the Salt Lake *Tribune*. I remember the poem well, having given out the manuscript to compositors myself, I being one of the publishers of the *Inland Empire* at that time. The poem first appeared some time in the latter part of 1869 or early in 1870. I am sorry that I have no copy of this poem to furnish your correspondent, but doubtless he can obtain one by addressing the author at Salt Lake City.

"C. A. V. PUTMAN.

"VIRGINIA, (Nev.,) June 23."

—*Examiner, June 26.*